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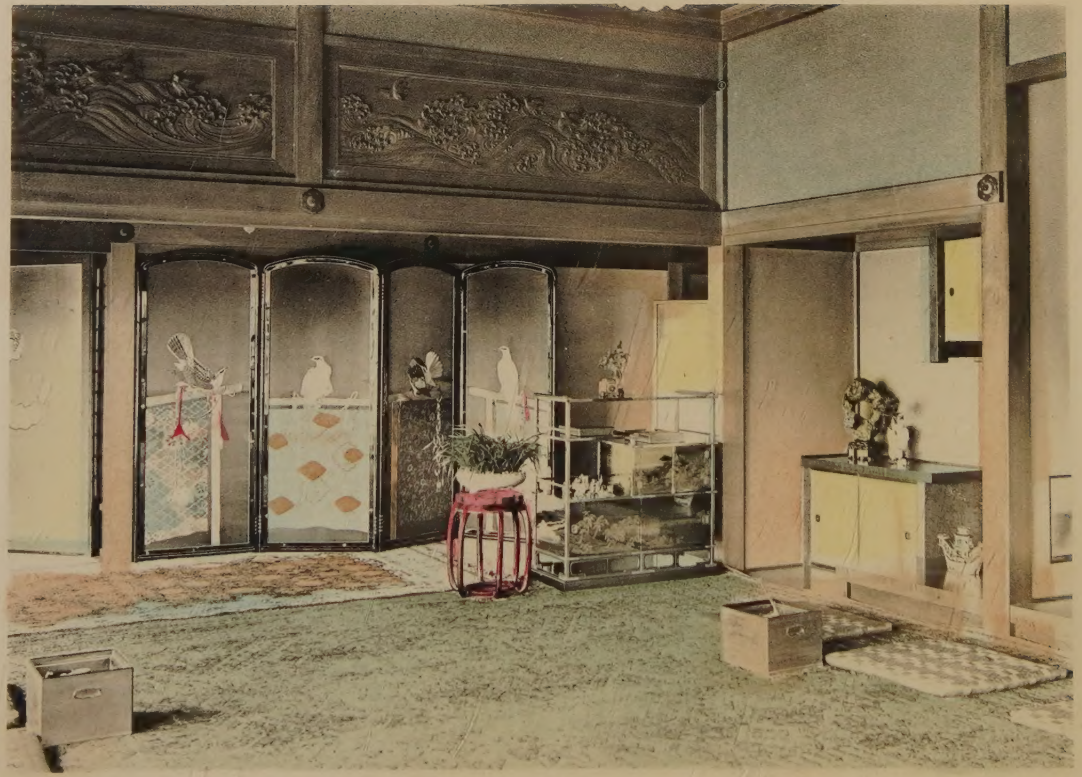

Oriental Series

JAPAN

Its History Arts and Literature

BY

CAPTAIN F. BRINKLEY

ILLUSTRATED

VOLUME IV

J. B. MILLET COMPANY
BOSTON AND TOKYO

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JAPAN

ITS HISTORY ARTS AND LITERATURE

Chapter I

MANNERS AND CUSTOMS OF THE TOKUGAWA ERA

LITTLE change occurred, either in social conditions or in manners and customs, during the first part of the Tokugawa epoch. Iyeyasu and his grandson, Iyemitsu, preserved the best traditions of the military age, encouraging frugality and love of martial exercises. But the fifth *Shōgun*, Tsunayoshi (1680–1709), though up to the moment of his accession he seemed a model of virtue, became ultimately conspicuous for extravagant luxury and even unnatural lust, alternating with moods of delirious superstition. Many similar figures are found in Japanese history, — men who at one moment squandered great sums on the ministers of their vice, at another impoverished themselves to endow a temple. Tsunayoshi was among the most conspicuously selfish. Born in

the "dog year" of the sexagenary cycle, he believed that his own fate depended on the degree of protection he gave to animals. Several persons had been capitally punished for killing dogs or cats before his officials, in order to save the lives of the citizens, constructed in the suburbs of Yedo a kennel, covering an area of one hundred and forty-eight acres, whither all the dogs in the city were sent to be cared for. The military men, then the nation's ethical models, forgot their fine traditions under such a ruler and the "manners and customs of the *Genroku* era" (1688–1704) became a byword. The career of the eighth *Shōgun*, Yoshimune (1716–1746), offered a strong contrast to that of this hysterical libertine. His efforts were persistently directed to mend the morals of the age. He revised the laws, promoted industry, sought to effect a revival of the true *samurai* spirit, and provided facilities, though on a limited scale, for the study of foreign languages and science. Had he been succeeded by men of like quality, the era of Japan's enlightenment would not have been deferred until the nineteenth century. But after his death the Yedo Court, under the sway of two successive *Shōguns*, relapsed into a state almost as evil as that of Tsunayoshi's days. Then again the eleventh *Shōgun*, Iyenari (1787–1838), aided by an able Premier (Matsudaira Sadanobu), undertook reforms like that of Yoshimune, and effected such an improvement in the

moral tone of the time, that just as the fifth *Shōgun's* excesses had rendered the *Genroku* era proverbial for degraded customs, the virtues of the eleventh made the *Kwansei* era (1789–1801) a bright landmark in the pages of history. After Iyenari's demise his successor, Iyeyoshi (1838–1853), sought to follow in his footsteps, and was assisted by Mizuno Tadakuni, generally known as "Echizen no Kami." Excessive zeal defeated the aims of this remarkable Minister. His heroic measures and drastic enactments, extending into every sphere of life, aroused such resentment that he ultimately resigned office, having deterred reform rather than encouraged it.

This general retrospect suggests that the Tokugawa epoch subdivides itself into alternating periods of moral elevation and depression. But in truth it was an era of material progress, not the least remarkable feature of which was the extension of refinement to the middle classes. If literature advanced perceptibly in the Nara and Heian epochs, and if polite accomplishments and amusements received much elaboration in the days of Kamakura and Muromachi, these improvements were limited mainly to the patrician orders, whereas, under the sway of the Tokugawa, it is in the condition of the middle and middle-lower classes that progress was most conspicuous. Thus while the *samurai* occupied themselves with researches into Chinese philosophy and Japanese history and theosophy, the hitherto illiterate

heimin began to write couplets (*haikai*) and read novels, a kind of literature never previously produced, but now suddenly carried to a remarkable degree of development, and rendered additionally attractive owing to rapid growth of the art of book illustration, at first by means of woodcuts only, but afterwards by a high type of chromo-xylography. Again, while the classical music of the *yokyoku* and the solemn posturing of the *no* dances furnished pastimes for great folks, the humble enjoyed the pathos and passion of the *joruri* and the *gidayu*, the vivid historical romances of the *raconteur*, the wit and humour of the *hanashika* and the realism of the theatre,—purely popular amusements which never acquired any real vogue before the seventeenth century and even thereafter long excluded from aristocratic circles. In the field of art, also, this new departure was very conspicuous, for if the upper classes delighted in the graphic drawings of the Kano school and the stiff conventionalism of the literary picture (*bunjin-ga*), the lower grew to love *genre* paintings (*ukiyo-ye*), naturalistic drawings (*shijo-riu*), and coloured prints, which may be regarded as creations of the Tokugawa epoch.

This downward extension of the refinements of life was not accompanied at first by any levelling of social barriers. The nation continued to be divided into four sections, as sharply differentiated as ever — the Court nobles, the military men, the commoners and the degraded class.

Immediately below the Throne stood four princely families — Fushimi, Arisugawa, Katsura, and Kwan-in — exclusively privileged to supply an Imperial heir in the event of failure in the direct line of succession. After them ranked the general body of the *Kuge* (Court nobles), headed by five specially distinguished families in which the great offices of state were hereditary. These five families — Konoye, Kujō, Nijō, Ichijō, and Takatsukasa — were called *Gosekke*.[1] From them alone men might be taken to serve as "Regent" during the sovereign's ministry and as "Lord Chancellor" during his reign. Next to these five families came nine "pure houses" (*seiga*)[2] — Sanjō, Saionji, Tokudaiji, Kazan-in, Oi-no-mikado, Kuga, Kikutei, Hirohata, and Daigo — whose scions enjoyed the exclusive right of serving as ministers of state. Such distinctions had not much practical value under the feudal system, when all administrative functions were withdrawn from the sovereign's Court and transferred to that of the *Shōgun*. The *Kwampaku* (Lord Chancellor) alone, being the chief avenue of access to the Throne, continued in all ages to possess some influence. But the holders of these traditionally exalted offices were always objects of popular reverence.

In many families of the Court nobility certain accomplishments were hereditary; as caligraphy in the houses of Shimizutani and Jimyoin,

[1] See Appendix, note 1.

[2] See Appendix, note 2.

floral arrangement in the Sono, football in the Nambu and Asukai, poetry in the Raisai and the Karasumaru, sword-making in the Shijo, heraldry in the Yamashina and the Takakura, wrestling in the Gojo, and divination in the Yoshida. The families thus distinguished numbered one hundred and thirty, — a relic of the days when Kyōtō was the centre of all social refinement, and when the nobles residing within the shadow of the Throne possessed ample fortunes and were able to maintain the state attaching to their functions. Under the feudal system their condition was very different. The total annual appropriation for the maintenance of the Imperial Court was only some £30,000, which the *Shōgun* supplemented by allowances varying from £35,000 to £45,000, and by extraordinary grants on special occasions. As for the income of the Court nobles, they aggregated only £70,000, the wealthiest — the Konoye — having but £2,800. It resulted that these *Kuge* had to struggle constantly against straitened circumstances which contrasted sharply with the pomp and luxury of their lives in ante-feudal days. Many of them were obliged to eke out their scanty incomes by practising some domestic industry, such as the making of pictorial playing cards, of umbrellas, of toothpicks, or of chopsticks.

Even the expenditure of the trifling sums allotted to the Kyōtō Court was managed in accordance with a system which virtually sub-

jected it to the control of the Yedo administration, certain methods of drawing money being prescribed, and every item being entered in accounts which had to be submitted annually for approval to the *Shōgun's* representative (the *Shoshidai*) in Kyōtō. The sovereign lived, for the most part, in the presence of females. Even such duties as the sweeping and cleaning of the inner garden (*naka-niwa*) upon which the Imperial apartments opened, had to be entrusted to women. A standing order forbade the admission of any visitor to the Imperial presence, and in order to segregate His Majesty still further from the outer world, the ladies in waiting, though permitted to visit their native places thrice a year, were not allowed to go abroad on other occasions without a written permit from one of the two chief chamberlains. The sharp distinction drawn by the military government between itself and the Court in Kyōtō is illustrated by an enactment of the third *Shōgun*, Iyemitsu, which his successor confirmed, directing that all affairs relating to the Court nobles should be managed by the principal lady in waiting (Nagahashi no Tsubone) in consultation with the two chief chamberlains. Some of the Tokugawa *Shōguns* were destined at a later epoch to be themselves segregated from politics and active administration by a similar *entourage* of ladies, but the masterful Iyemitsu and his immediate successor did not foresee such an application of their system. They

thought only of stifling the Court in an atmosphere of effeminacy and stagnation,[1] and it cannot be doubted that had their policy been resolutely followed by later *Shōguns*, Imperialism would have lost every effective attribute of majesty. By way of further provision against disturbing contingencies, they established a Prince of the Blood as abbot of the magnificent temple built by Iyemitsu on the northeast of Yedo. In that they followed the example of the Hōjō, who had contrived that the office of *Shōgun* in Kamakura should be nominally held by a Prince available at any moment as an alternative sovereign, and had they needed a precedent for consummating the drama, they would have found it in the procedure of the Ashikaga who set up the Northern Court to legitimatise their own usurpation.

As in the case of the Throne so in that of the Shogunate, the privilege of supplying an heir in the event of failure in the direct line was limited to three houses (go-sanke) — Owari, Kii, and Mito — to which were subsequently added three others — Tayasu, Hitotsubashi, and Shimizu. The Ashikaga ruler Yoshimitsu had been the first to ape Imperialism in this matter. He accurately copied the organisation of the Kyōtō Court, nominating two groups of five and seven families, to which he assigned the same titles and the same offices in his own administration as those belonging to the *sekke* and the *seiga* in the

[1] See Appendix, note 3.

administration of the Emperor's Court. The parallel is completed by the fact that, just as these families became strong enough to defy the Muromachi control and were thus one of the instruments of the Ashikaga's downfall in the sixteenth century, so the Mito, the Owari, and the Kii contributed to the overthrow of the Tokugawa in the nineteenth.

The wealth of the State, as well as the power, belonged entirely to the *Shōgun* and the feudal chiefs. Broadly speaking, the latter were divided into three orders, — barons (*daimyo*), bannerets (*hatamoto*), and squires (*kanin*); and the barons were subdivided into three classes according to the extent of their fiefs, namely, provincial fiefs, castle fiefs, and district fiefs. There were other distinctions, but they need not occupy attention. No baron had a smaller revenue than £6,000,[1] approximately, and the richest — Mayeda of Kaga — collected over half a million pounds sterling. Perhaps the clearest conception of the wealth of the feudatories may be gathered from the facts that two hundred and fifty-five of them had incomes ranging from £6,000 to £100,000 annually; fourteen had incomes of from £100,000 to £200,000, and fifteen collected sums varying from £200,000 to £600,000. The total revenues of the feudatories, as officially stated, was twelve millions sterling, approximately, so that the average in-

[1] See Appendix, note 4.

come of the two hundred and eighty-seven exceeded £40,000, whereas the Court nobles, who numbered one hundred and forty-three, had a total allowance of £45,000, being an average of £314. These figures must be understood as referring to the taxes upon agriculture only: they do not include sums collected from tradesmen and manufacturers, nor do they take any account of the forced labour which the people were obliged to furnish or to commute by monetary payments.[1]

With regard to the income of the *Shōgun* himself, there is some uncertainty. A return furnished by the commissioners of finance in 1843 showed a revenue of about one and a quarter million pounds sterling in coin, and half a million sterling in kind. The estates of the Shogunate were nominally assessed at a million *koku* of rice for purposes of taxation, being, in that respect, approximately equal to the estates of Mayeda, baron of Kaga. But there can be no doubt that the official assessment was much below the truth. It will be a close approximation to put the Tokugawa income at two millions sterling annually.

These incomes are not large from the standpoint of modern Europe and America. They would have been very large, however, in mediæval Japan, considering the high value that money commanded, had not the feudatories been obliged to incur heavy outlays on account of

[1] See Appendix, note 5.

military and administrative purposes. Their incomes were, in effect, not private fortunes but revenues of principalities. The humblest of the bannerets had to equip and maintain a force consisting of twenty-three swordsmen, two spearsmen, one archer, and one musketeer, and a fief with a revenue of £60,000 must be able to put seven hundred and fifty men into the field at any moment. Statistics show that some six hundred thousand *samurai* families had to be supported out of the revenues of the fiefs, and that a muster of all military men between the ages of twenty and forty-five would have produced a force nearly a million strong.

When the Tokugawa originally established themselves in Yedo, they eschewed everything in the nature of pomp and display. Their official buildings were of wood with boarded roofs, and their resident edifices were thatched with straw, had no interior decoration of any kind, and were even without mats for the floor. But from the moment when the provincial barons had to make arrangements for periodical residence in the Tokugawa capital, this austere fashion underwent modification. The feudatories that had been most intimately associated with the *Taikō* led a new departure, partly, perhaps, because they had become honestly imbued with that great statesman's artistic views, partly because they sought to establish a contrast between their own splendour and the rude austerity

of the Tokugawa Court. Contemporary records bear witness to the impression produced upon the citizens by the magnificent mansions which then began to spring up in the city. One tradition says that a golden tiger, set over the gate of the Hikone residence at Shibaura, cast such a brilliant reflection as to drive away all the fish from the neighbouring sea, and another describes the decorations of the Higo baron's mansion in terms that suggest a blaze of grandeur and beauty. Spacious plots of land were granted by the *Shōgun* for these residences. Even a *samurai* with an income of only two thousand pounds annually had a space of half an acre for building purposes, and thus the parks surrounding the feudal *yashiki* soon became as remarkable as the *yashiki* themselves. It was inevitable that the castle of the *Shōgun* should gradually be adapted to this growth of refinement. Before the close of the seventeenth century a magnificent suite of apartments had been built, including chambers specially allotted for the reception of the feudatories according to their rank. The principal of these chambers, where the council of State assembled, was known as "the thousand-mat room," 150 × 120 feet; and seventy-two sliding doors that gave access to it were painted throughout with a design of pine-trees from the brush of Kano Tanyu. Some of the chambers took their names from the subjects chosen by their decorators, — as the room of the wild geese, the room

of the bamboo, etc., — and others were distinguished in accordance with their special use or position, as the "waiting-room," the "great corridor," etc. It is not necessary to derive conceptions of this palace solely from the vague eulogies of contemporary wonder. Much more definite information is incidentally furnished by the records of a fire in 1838 which destroyed the western wing of the castle, where the ex-*Shōgun*, Iyenari, resided. The ladies in waiting, whose apartments were invaded by the conflagration, numbered three hundred and fifty, and they had two hundred and fifty attendants, so that when Iyenari moved to the inner section of the castle, he was accompanied by six hundred females. From the same records it appears that experts estimated the cost of rebuilding this west wing at about fifteen hundred thousand pounds sterling, and that the money was obtained by levying a forced contribution on a sliding scale from every feudatory with an income of over one hundred pounds annually. This produced a sum of over a million pounds sterling, and fully half a million was obtained by voluntary contributions, in addition to large presents of timber and other building materials, not only from the feudal chiefs but also from temples and shrines. The palace in which the Emperor of Japan resides to-day did not cost more than one-third of the sum required to restore one wing of the Tokugawa Castle in 1838.

The system of voluntary contribution derived much of its efficacy from inter-fief rivalry. Each great feudatory sought to outdo his colleagues in the value and rarity of the articles sent by him to the *Shōgun* for the purposes of a public work. When a park had to be made, strange stones for rockeries and trees of special beauty were sent; when a mausoleum was planned, bronze pedestal-lamps and granite cisterns were presented; when a residence was under construction, timbers of exceptional scantling and fine grain arrived from the provinces. Supplemented by the law of forced labour, these offerings enabled the Yedo authorities to undertake works which would have been scarcely possible without such aids. The digging of the triple tier of moats surrounding the castle and the construction of their colossal scarps, counter-scarps, and battlements could never have been otherwise achieved, and it remains to this day a marvel that the *Shōgun* Iyemitsu, who was content with a cheap wooden shanty for his own residence, should have had the sublime courage to undertake such an enterprise as the building of the Nikko Mausoleum. The latter stands almost intact to this day, a splendid evidence of the greatness of Japanese architectural decorative genius at the beginning of the seventeenth century, but it is only within the past twelve months that the quality of the castle fortifications has been appreciated. For when the municipality of Tokyo condemned the

old castle gates to demolition, because, being placed at a right angle to each other and having their approaches masked by big stone parapets, they constituted a perpetual danger to safe traffic, it was found that the parapets, instead of being simply banks of earth faced and backed with blocks of granite, as was generally supposed, were composed almost entirely of stone, and the mass of material that resulted from even this fractional levelling proved embarrassingly immense. There were no quarries in the neighbourhood of Yedo when this huge work was projected: every fragment of building stuff had to be carried over-sea. Thus the enterprise ranks among the greatest of its kind ever imagined. And the construction of the Nikko Mausoleum stands almost on the same level as to grandeur of conception.

It has been affirmed that this work, as well as the rebuilding of the Osaka Castle and the construction of the Yedo moats and battlements, involved great suffering for the people, inasmuch as they were compelled to toil for starvation wages and to surrender their goods at nominal prices. Regulations issued in connection with the enterprises contradict any such theory. No severity was practised except for the purpose of preventing quarrels. If workmen were found fighting, they were put to death at once without any inquiry into the merits of the dispute. But, on the other hand, goods and chattels belonging to the people might never be seized, and must

not even be purchased without the owner's consent; trees or bamboos might not be arbitrarily cut, arable lands trespassed upon, or questions raised about the proprietorship of quarries. Nikko being a district far remote from any industrial centre, and even Yedo itself being unable to supply the great number of experts required for such a magnificent work as the mausoleum, skilled artists and artisans were invited from all parts of the Empire. They were desired to repair to Yedo, accompanied by their wives and children, and large wooden edifices, specially constructed, gave them accommodation in the *Shōgun's* capital until they could be sent forward to the scene of their labour. There was no compulsion. Proclamations announced that to be engaged in this sacred work was a perennial honour, and doubtless the artists and artisans of the era frankly accepted that view. They were not obliged to travel on foot from Yedo to Nikko (eighty miles); one horse was provided for every two persons. Their wages, fixed at full market rates, were paid every second month; they had a holiday every seventh day, and fifteen days were granted annually for a visit to their native place. Only the inhabitants of the districts contiguous to the highroad had any cause of complaint, for although their taxes were lightened in consideration of their keeping the road in good repair, they had to furnish horses and carriers at fixed prices, under penalty of sending twenty pairs of

straw sandals per month for three years; and every peasant girl between the ages of thirteen and twenty had to furnish sufficient cotton for a piece of cloth nine yards long, which cotton women between twenty and forty had to weave. Side by side with such practical measures of organisation readers of the annals are surprised to find evidence of old-time superstitions against contamination. The whole of the persons engaged in the work were divided into parties of one hundred and seven each, and if any artisan received news of a death among his relatives, not only the man himself but every member of his party had to suspend work for a period of from one to three days, and to undergo a process of purification at the hands of a *Shintō* priest. The same superstition showed itself in the treatment of diseases. Provision was made for the care of a sick person at the scene of the works during twenty days, but thereafter, however critical his condition, he had to be removed elsewhere, lest death should take place in the immediate neighbourhood of the mausoleum.

While the feudal barons were building for themselves splendid mansions and laying out beautiful parks in Yedo, and while the *Shōgun* was not only following their example but also creating colossal battlements for his castle, as well as mausolea of the utmost splendour in memory of his predecessors, the citizens of the capital continued to inhabit houses of the frailest and hum-

blest nature. It has been explained that not until after the lapse of many decades and the long-observed example of the great nobles, did the tradespeople of Kyōtō begin to use tiles for roofing their houses or make any attempt to construct them solidly. Yedo showed even slower progress, and may be said to have been ultimately prised out of the old groove, not by an intelligent impulse of improvement so much as by the well-demonstrated danger of conservatism. From the day when it became the capital of the Tokugawa, the city suffered crushing calamities from conflagrations. These, when they had once laid hold on flimsy wooden structures, with roofs of shingle, straw, or board, projecting into narrow streets, could not be prevented from burning until no combustible material remained. The Government seems to have been engaged in constant legislation and organisation for checking these catastrophes. At first the city was divided into forty-seven sections, each having its own band of firemen, and on an alarm being raised, all the bands were ordered to proceed to the scene. But it was soon recognised that the loss of life and the robberies caused by failure to control the crowds thronging the streets were more terrible even than the havoc wrought by the flames. Therefore the divisions of the city were reduced to ten, and a decree directed that only the firemen of the section actually burning should proceed to the place, all the rest remaining to protect their

sections against sparks and thieves. Measures almost savagely drastic were adopted to prevent disorder. Again and again regulations appeared on the notice boards at the cross-streets forbidding any save the nearest relatives to repair to the scene of a fire, and authorising guards to kill every person acting in defiance of that restriction. The incendiary was crucified, and any one causing a fire by negligence became liable to capital punishment, while the members of the five-family group to which he belonged shared his guilt to the extent of imprisonment. The most obvious precaution, however, was to improve the construction of the houses. At first the Government did not attempt to do more than advise the substitution of boarded roofs for thatched. But in the middle of the seventeenth century, there occurred a conflagration of dimensions so disastrous that the *Shōgun*, in addition to distributing large sums of money among the sufferers and throwing the State forests open for supplies of timber, postponed the rebuilding of his own palace in order not to increase the demand for workmen. It was then that the more wealthy citizens began to use tiles for roofing their houses. They had already been in the habit of laying along the ridge of the roof a beam on which buckets of water stood perpetually, and of providing a kind of huge box on wheels for carrying away their chattels and clothing at the supreme moment. But during the great fire already

spoken of, numbers of persons perished under the wheels of these cumbrous vehicles, which were consequently interdicted. Much greater security was found in a tiled roof, and in the year 1721 one Hachiroji Iga devised a fire-proof warehouse covered entirely with mud and plaster. He communicated his invention to the *Shōgun* Yoshimune, accompanying it with a classical quotation to show that such edifices had been approved by the Chinese in the days of Confucius. Yoshimune at once appreciated the value of this counsel, and took practical steps to popularise it by advancing money from his own treasury for the building of these *dozo* (mud storehouses), as they were called. The name of Hachiroji Iga is little remembered now, yet he deserves to rank among Japan's greatest benefactors. His device did not, indeed, suffice to prevent fires, but it served to save great quantities of property, for a well-built *dozo* preserves its contents against the fiercest conflagration. It is observable that while perils of fire served to promote recourse to a more substantial kind of building, no embellishment of the city resulted. From an architectural point of view nothing could have been less picturesque than the *dozo*. Neither did the mansions of the feudal barons add much to the city's appearance, since they were generally surrounded by parks so spacious as to render the edifices invisible from the streets. The *Shōgun's* castle, with its broad moats and imposing battlements, was the

most striking feature of Yedo in Tokugawa times, and next in importance ranked an artistic and massive style of gateway that came into vogue in the seventeenth century, differing more or less in design and dimensions according to the status of the baron to whose *yashiki* it gave admittance, but having always on either flank watch-houses with heavily latticed windows, projecting from long lines of barracks (*nagaya*) that served as residences for guards. These *nagaya* had foundations of cut stone, and being solidly constructed and plastered in a picturesque design of diamond diaper which assorted well with their latticed windows, they lent an air of neatness and compactness to the city. Strikingly conspicuous was the contrast between buildings with such an appearance of solidity and seclusion, and the slight structures in which tradesfolk carried on their business: wooden edifices, generally of two storeys and occasionally of three, their front-room completely exposed to the street, or separated from it by a curtain formed of strips of linen, and their back-rooms opening, by means of paper-covered sliding-doors, on a miniature garden. At night these houses were hermetically sealed by wooden sliding-doors, so that whatever might be claimed for their method of construction as allowing the atmosphere to percolate freely during the day-time, they became oppressively close and insanitary when closed for the night. Strange to say, too, the members of the

family seldom and the servants never slept in the second storey, where air might have been admitted without giving access to thieves. Thus, for some at any rate of its inmates, a Japanese residence is always essentially unwholesome in summer owing to defective ventilation. Further, it promotes immodesty and therefore immorality; for in its stifling atmosphere all covering at night becomes unendurable, while, at the same time, paper sliding doors are quite ineffective to segregate one room from another. Yet another grave defect of the Japanese house in the form it finally took during the Tokugawa epoch is that it acts like a cupping machine to draw up noxious vapours from the soil. For the floors being loosely constructed so as to prevent the overlaid mats from decaying, and the ground underneath being left in its natural state, its miasmal exhalations find ready access to the chambers above. Neither can it be truly said that a Japanese house is remarkable for cleanliness. It certainly looks clean, because the neat mats, the well-polished verandahs, the knotless timbers, and the white paper give an impression of purity and careful preservation. But these very mats which contribute so greatly to the general effect of tidiness are incomparable dirt-traps. They are not removed for cleaning purposes more than twice a year, in many houses not more than once, and an almost incredible quantity of dust and dirt is thus found to have accumulated beneath them and in their

interstices. So long, however, as the Japanese sits and sleeps upon the floor, he must have mats. And he must also have the charcoal-burning brazier, which is undoubtedly an unwholesome element in his life, whether he bends over it inhaling its carbonic-acid fumes, or places it under his quilt to warm his feet. The brazier (*hibachi*) became a choice article of household furniture during the Tokugawa epoch. It was made sometimes of bronze elaborately chiselled, sometimes of gold lacquer with richly chased mountings of silver or silver-gilt, and sometimes of pure paulownia wood with *shakudo* or *shibuichi* metal-work. To banish it from a Japanese house would be a most unwelcome deprivation, and to substitute for it a stove or fireplace in Occidental style is out of the question, for neither of these apparatus emits a heat endurable to people seated on the ground. The mat and the brazier go together, and both will remain until the Japanese house is replaced by the European,—a change of which there are as yet no indications. Two things appear to find little favour in Japan, the female costume and the architectural style of the Occident. A few ladies occasionally wear the frock, the petticoat, and the corset of the West; a few wealthy men have dwellings with chairs, tables, and carpets. But no lady adopts such habiliments of deliberate choice, and no gentleman permanently inhabits such a house. The one dons foreign garments for spe-

cial objects and on special occasions only; the other uses his foreign chambers for social or official purposes alone, returning to his mats and his brazier as quickly as possible. Tōkyō to-day differs little from Yedo of the Tokugawa times, so far as the citizens' dwellings are concerned. That this conservatism should exist in the midst of general change is probably attributable partly to the greater costliness of edifices in European style and the greater expense of living in them, but mainly to the *sans-gêne* of Japanese customs compared with European or American. It is not merely a question of sitting on chairs instead of on mats, sleeping on beds instead of on wadded quilts, and eating with knives and forks instead of with chopsticks. There is a far more important consideration involved, namely, that whereas a Japanese house has virtually no limit of elasticity in the matter of accommodation and hospitality, a foreign house is incapable of expansion for either purpose. Probably no highly civilised nation has ever been so averse to formal entertainments as the Japanese. There are exceptions, it is true, which at first sight may seem to contradict this assertion. There are *cha-no-yu réunions;* there are flower-viewing parties; there are meetings of friends in seashore or riverside villas during the dog-days; there are at-homes to introduce a bride and bridegroom to the relatives and acquaintances of their families, and there used to be assemblages to cap stanzas and witness Nō dances.

But the dinner-party and the ball of the Occident do not enter into the social philosophy of the Japanese or accord with their notions of hospitality. The formal call also is unknown. Ladies that live in Japanese style never have "days," nor do men leave cards upon each other as tokens of civility except at certain seasons. Every visit that has not a practical business purpose is made with the object of passing several hours in a friend's company, and it is an unwritten law that the visitor shall join the family circle of the visited at meals as well as in their intervals. No preparation is required except to add to the dining paraphernalia a pair of chopsticks and a set of apparatus, nor is any one obliged to reflect whether there is room at table or whether the viands suffice, for guests and hosts alike sit upon the mats, where accommodation can always be found, and a word to a neighbouring restaurant produces fish and soup in abundance. In a household of the upper classes this fortuitous hospitality has scarcely any limit. The physician, the teachers of music, of dancing, of painting, of *cha-no-yu* and of *ike-bana*, all share the family meal, and either they or the guests can be put up for the night merely by taking two or three silk quilts from the wardrobe and spreading. It is this absence of set, formal entertainment that constitutes one of the chief obstacles to social intercourse between foreigners and Japanese. The foreigner's principal device for establishing friendly

relations with a Japanese is to invite him to dinner. The Japanese cannot return the compliment. It is not his custom to invite friends to dinner, and he has no special arrangements for entertaining them otherwise. Thus there has grown up among foreigners residing in Japan a resentful conviction that access to Japanese family life is denied to them as a result of social prejudice, whereas the truth is that if they could adopt the customs of Japan, they would be welcome to enjoy her domestic hospitality. That is a matter apart, however. The point immediately interesting is that, whatever the sanitary defects of the Japanese style of building, to exchange it for the European or American style would involve a radical alteration in the life of its inmates. No signs of such a result are yet apparent. If a Japanese is sufficiently wealthy to build for himself a house of western form, he takes care that there shall be a Japanese annex which is his real home, the other serving merely for use on special occasions.

It was in the Tokugawa epoch that allegorical signboards for shops came into use. Thus a purveyor of bean-soup painted over his door a picture of the spoon used in mixing the soup; bath-houses indicate their trade by a bow and an arrow, because *iru*, to "shoot," is homonymous with *iru*, to "enter a bath," and bakers of sweet potatoes wrote up the ideographs *hachi-ri-han* (eight and a half Japanese miles), because *kuri* (nine miles) means also a "chestnut," and the

sweet potato was supposed to be only one stage short of the chestnut in point of palatableness. Towards the close of the eighteenth century fashion favoured the Chinese style of setting up between two posts a board carrying a couplet or some learned phrase in eulogy of the goods sold within, and from that era it became orthodox that restaurants, tea-houses, confectioners, vermicelli sellers, and brothels should take names of classic or artistic import, as *fugetsu-do* (hall of the breeze and the moon), *bairin-ken* (hostel of the plum forest), *banka-ro* (tower of the myriad blossoms), and so on. This custom has never been abandoned: it remains as much in vogue as ever. Pictorial signboards and advertisements, after the mode of the modern Occident, did not suggest themselves to the Japanese of Tokugawa times, unless a particularly artistic innovation, dating from the eighteenth century, be classed as an advertisement. This was a square lantern (called *jiguchi andon*) having sides of transparent paper upon which the best artists of the era sketched figure-subjects, floral designs, or landscapes in sepia or light colours. Rows of such lanterns were set up at night along the streets on festive occasions, tradespeople competing to show the finest lantern. The custom survives, and lovers of Japanese art may see on these transparencies rare and beautiful sketches from the hands of the pictorial celebrities of the Tokugawa era.

Chapter II

THE TOKUGAWA COURT

THE *Shōgun's* Cabinet consisted of a Premier, called the "Great Senior" (*Tairō*); of five ministers, called "Seniors" (*Rōjū*), who formed a senior council, and of six "Sub-elders" (*Waka-doshi-yori*), who formed a junior council. It will be convenient to speak of these as the "Premier," the "Senior Councillors," and the "Junior Councillors."

Just as in the Kyōtō Court it had been necessary that the Regent and the Chancellor should be appointed from among the representatives of certain families, so the Premier of the Tokugawa administration must be a member of one of four houses, — Ii, Honda, Sakai, and Sakakibara; the Senior Councillors, who, among other duties, supervised the affairs of the Imperial Court in Kyōtō and those of the feudal nobility, and who served in turn for one month at a time, must be at least "castled barons," but the Junior Councillors, who, as a body, corresponded to the *Hyōjō-shiu* of the Kamakura epoch and had the special duty of superintending the bannerets,

might be appointed from any of the feudal houses.

The Premier became the real repository of administrative power after the days of the third *Shōgun*, Iyemitsu. It cannot be said that he usurped the functions of the Shogunate as the Fujiwara had done in Kyōtō, the Vicegerents at Kamakura, and the Constables under the Ashikaga. *Shōguns* like Yoshimune (1716–1745) and Iyenari (1787–1838) enjoyed as full a measure of autocratic authority as had their great predecessors, Iyemitsu and Iyeyasu. But it was the Premier's spirit that informed the laws of his era and modelled the policy of the Government. Neither he nor his colleagues, the Senior and Junior Councillors, were responsible to any one save the *Shōgun* himself.

The Tokugawa Court was not free from the vices of clique and cabal, but its administrative capacity encountered no obstacle from the interference of parties or the restraints of parliaments. The student of this epoch's history nevertheless perceives, in proportion as the records become familiar to him, that abuses of ministerial power are conspicuously absent. Under a feudal system when the farmer, the tradesman, and the artisan pay for the support of a large military class which contributes nothing to the wealth of the State and has not even the pretext of insuring safety against foreign foes, it is inevitable that certain hardships should be associated with the

imposition of taxes and certain extortions with their collection. But of the Tokugawa chiefs and their agents it must be said that the uniform tendency of their administration was to lighten burdens and to correct abuses; that wholesome employment of power was the rule, its perversion to evil ends the exception, and that their most conspicuous faults were unwisely drastic attempts to restrain by legislation vices which only ethical progress could successfully correct.

The most important officials after the above, though not the highest in rank, were the "Magistrates" (*Bugyo*) and the "Deputies" (*Daikwan*). In every urban district one or more Magistrates were posted and in every rural district there was a Deputy. That was the Tokugawa system, and most of the feudal nobles followed it in their dominions. The Magistrates were the chief civil administrators of the region where they officiated, and had also the duty of making tours of inspection as well as of dispensing justice in cases appealed from the Deputy's Court or incapable of settlement by tribunals of arbitration which will be presently referred to. There are three ranks of magistrate, the Temple Magistrate, the City Magistrate, and the Finance Magistrate, the different scope of whose duties may be roughly gathered from their titles.

The Deputy has been well described as a combination of judge and revenue officer. His func-

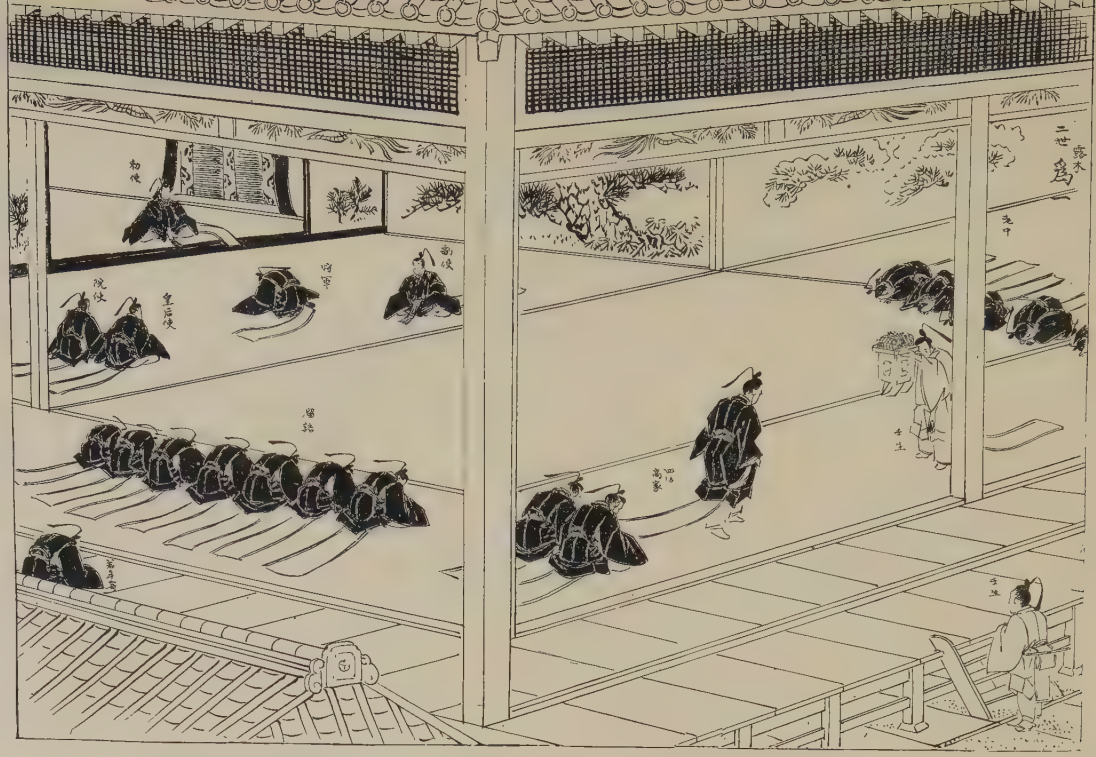
tions brought him into intimate relations with the people, and for whatever oppression they suffered he was usually responsible. Nothing that concerned farmers lay outside the Deputy's purview. Land surveys, questions of irrigation, repairs of embankments, assessment of taxable values of land, estimate of yield for fiscal purposes, supervision of agricultural methods, enforcement of precautions against famine, — all these things fell within his province, as did also the judging of civil and criminal cases. It is of the Deputy and the Magistrate that the student of Japanese history constantly hears in Tokugawa times. They were the best trained and the most competent officials of the era, and to them the farmer, the mechanic, the merchant, and the unclassed "outcast" looked as the supreme authority. Not infrequently the Deputy became an object of popular execration, but, on the whole, he discharged his functions in obedience to the precept that the prosperity of the ruled should excite the satisfaction rather than the cupidity of the ruler, and that to destroy the farmer's tax-paying capacity by imposing upon him excessive burdens was to mistake the prime purpose of good administration.

Other officials discharging important duties chiefly of an investigatory nature but sometimes of a judicial, were the "Censors" (*Metsuke*), of whom the chiefs (*O-metsuke*) had to keep themselves informed of everything relating to the

great barons, and the juniors performed a similar function with regard to the bannerets. The *Metsuke* has generally been spoken of by foreign writers as a spy, and they have inferred the existence of an irksome system of espionage under the Tokugawa regimen. No such view of the *Metsuke's* functions was taken by the Japanese themselves. The genuine spy — the *O-niwa-ban*, to be spoken of presently — was regarded with abhorrence, but the *Metsuke* held in popular esteem the position of a legitimate investigatory and judicial official. A Chief Censor with three Magistrates — Temple, City, and Finance — and one or more Councillors constituted the Supreme Court, a chamber of decisions which was the last resort in all judicial questions.

It will be understood that no attempt is here made to describe the governmental machinery of the Tokugawa in minute detail. The reader's attention is directed only to such broad facts as may suffice to convey a general idea.

The organisation of the *Shōgun's* administration did not represent an entirely new departure: it was suggested in part by the *Taikō's* system. That eminent statesman conducted public affairs with the advice of a council consisting of five "Seniors" (*Tairō*) with whom were sometimes associated as many "Magistrates" (*bugyo*). The "Seniors" constituted a kind of senate. They were nobles of extensive influence and proved ability. Iyeyasu himself, before he became



THE *SHŌGUN* RECEIVING INVESTITURE FROM AN IMPERIAL ENVOY.

In the foreground the Imperial Envoy is seen arriving in the corridor of the chamber of investiture, his train borne by two high officials.

In the background the Envoy is seen seated on the dais before which the *Shōgun* kneels,—after investiture these positions are reversed,—and on the *Shōgun's* right is the Assistant Envoy; on his left, the Envoys of the Empress and the ex-Emperor. On either side of the room kneel the high officials of the *Shōgun's* Court.

Shōgun, was among the *Taikō's Tairō*. The five "Magistrates," men who had served the *Taikō* intimately and who possessed his full confidence, formed a cabinet, one being minister of legislation; another, minister of public works; the third, minister of justice; the fourth, minister of finance, and the fifth, administrator of Kyōtō. Some of the laws issued in the *Taikō's* time had the signatures of the five "Seniors," some those of the five Magistrates. It is plain that the purpose of this system was to give to the leading feudatories a direct interest in the administration while entrusting the actual discharge of executive functions to men in close touch with the *Taikō*. No such principle is apparent in the Tokugawa polity. The highest offices of State fell hereditarily to representatives of families related by blood to the Tokugawa, and the junior posts were filled by nominees of these dignitaries or by men specially connected with the Shogunate. The *Taikō's* government was a representative oligarchy; that of the Tokugawa, a family bureaucracy.

The ladies of the *Shōgun's* Court were called *O-oku no Jochiu* (dames of the honourable interior), and were organised in accordance with a system somewhat similar to that followed in the polity of the State. An equal number — three hundred and five — constituted the establishment of the *Shōgun* himself and of his wife (*Midaidokoro*), so that the total was six hundred and ten, but the names actually borne on the roll generally exceeded

that aggregate. Not all had the privilege of direct access to either the *Shōgun* or the *Midaidokoro*. Those enjoying that distinction numbered ninety-one in each service, and were consequently differentiated by the title *Omemiye-ijo* (qualified for audience), the other two hundred and fourteen being classed as *Omemiye-ika* (not qualified for audience). The *Shōgun's* household included also four jesters, spoken of as *Bozu*, in allusion to the fact that their heads were shaved. These men, who had to be some fifty years of age, discharged the duties of ushers, in conjunction with their chief function of keeping his highness amused. They were not supposed to labour under any disadvantage as to moral endowments, and it was expected that they should be skilled in all polite accomplishments as well as possessed of literary ability. The *Bozu* had no place in the household of the *Midaidokoro:* on that side of the Court four pages were employed, their age not exceeding thirteen. For the rest, the organisations of the two halves of the Court were exactly similar, and what is here said of one may be read as applying to both. Highest in rank stood the "Senior Dames" (*Joro*), three in number. They had no special duties, but were regarded partly as advisers, partly as teachers of *cha-no-yu*, flower-arranging, "incense-bearing," and such pastimes. In the event, however, of the sickness or death of the *Midaidokoro*, it devolved upon one of the "Senior Dames" to take her place, temporarily

or permanently, and as that might mean a great deal, the rules required that these ladies should be taken from the families of the Kyōtō Court nobles (*Kuge*) solely, and if possible from the houses of Konoye and Ichijo. Hence, when a vacancy occurred in the ranks of the *Joro*, and when no daughter of either the Konoye or the Ichijo was available, it became necessary that these houses should select and adopt some one from the family of another *Kuge*. Next to the "Senior Dames" came seven "Elders" (*O-toshi-yori*) whose duties were very extensive. They opened all letters coming to the Court, they paid visits, as representatives of the *Shōgun* and the *Midaidokoro*, to the mausolea at Shiba and Uyeno and to the shrine at Momiji-yama, they superintended the distribution of provisions, and they gave out all presents and allowances to the ladies of lesser degree. Only women of great ability and strength of character could fill the post of *Toshi-yori*, and the seven "Elders" exercised great influence at Court, whereas the three "Seniors," though nominally of higher rank, possessed much less power. Immediately below them were two "Middle Elders" (*Chiu-doshi-yori*), whose chief business was to inspect the provisions for the Court before and after cooking, and generally to assist the "Elders." It was necessary that the "Elders" should belong to one of the Three Families, *Go-sankyo*, Toyasu, Shimizu or Hitotsubashi, unless they came in the train of the *Midai-*

dokoro from Kyōtō, or obtained office by promotion from the rank of the "Middle Elders." Five "Great-entertainers" (*O-kyaku-ashirai*) received and welcomed any relative of the *Shōgun* or of the *Midaidokoro* who might repair to Court, and they also had it in charge to attend to the wants of the *Shōgun* if he visited the *Midaidokoro*, or *vice versa*. They were usually old women who enjoyed little consideration.

All the above ladies were supposed to be entirely beyond the reach of the *Shōgun's* affections. Their official duties occupied them exclusively, and they were required to live and die in virgin purity. But attached to the *Shōgun's* household were eight "Middle Dames" (*O-chiu-ro*), with whom his relations might be of the closest character. An equal number were attached to the household of the *Midaidokoro*, and had the same title. The *Shōgun*, though absolutely autocratic with regard to his own *Chiuro*, was not at liberty to bestow his affections unceremoniously on any of the *Chiuro* belonging to the *Midaidokoro's* side. If his fancy strayed in that direction, it was necessary that he should make known the wish to the "Elders" of his own household, who, in turn, communicated with the "Elders" of the *Midaidokoro*, and these laid the matter before their mistress. It would of course have been most unbecoming that either the *Midaidokoro* or the "Elders" should place any obstacle in the way of the *Shōgun's* desires, but the

Chiuro to whom his addresses were thus ceremoniously conveyed, might reject them if she pleased. Naturally no small exercise of resolution was required to take such a stand. The young lady must be prepared to encounter threats that her father's estates would be confiscated if she continued obdurate,— a serious penalty, for the *Chiuro* were always daughters of bannerets,— and she must at least reckon on her own dismissal from Court. Yet several instances of refusal are on record, and it does not appear that the threat of confiscation was ever carried out. Indeed, such an arbitrary act would not have been endured. There appears to be something not easily explicable in the idea that a girl of comparatively humble origin, having wittingly accepted a post which exposed her to be the object of the *Shōgun's* importunities, and being well aware that the proposed honour might be turned into an instrument for satisfying high ambitions, should nevertheless reject it. Perhaps the explanation is to be sought in the fact that this side of Court life presented features which could not but shock the modesty of any lady. In the first place, those of the *Shōgun's Chiuro* who chanced not to be favoured with his attention,— and there were many such, since these ladies obtained their place by influence, not on account of personal attractions or accomplishments,[1]— so far from finding themselves discredited by the

[1] See Appendix, note 6.

fact, received the appellation of "honourable pure ones" (*O-kyo*), while those in the other category were designated "soiled persons" (*yogoreta kata*), a distinction which the six hundred and ten dames of the court knew how to make effective. Further, even at night the *Shōgun* was obliged to have two companions. That singular rule began to be enforced after the era of the fifth *Shōgun*, Iyetsuma (1651–1680), who, having received into the ranks of his *Chiuro* the mistress of an intriguing banneret, was persuaded by her to attach the vermilion signature to a grant of an immense estate in favour of her secret lover. After that incident, which for a moment threatened the ruin of the Tokugawa, it was considered perilous to expose the *Shōgun* to the secret wiles of a favourite, and his highness had therefore to endure the presence of a second lady charged with the duty of reporting to the "Elder Dames" everything that happened in the "honourable bed-chamber." The shamelessness of such an arrangement was intensified on the following morning, when, as the *Shōgun* passed to another apartment, the two ladies were obliged to accompany him in positions regulated by the nature of the duties they had to perform. The *Chiuro's* lot, rendered irksome by these customs, was further embittered by the jealousy of her companions. If she became her master's favourite, she had to endure innumerable insults and torments at their hands, and there were cases where the prospect of bear-

ing a child caused a *Chiuro* to be subjected to roughness that imperilled her own life and destroyed that of her offspring. Nevertheless, since the position of a favourite *Chiuro* offered extraordinary opportunities for influencing the *Shōgun*, that office, as well as the post of "Elder," was much coveted, and inasmuch as neither position could be secured without the aid of some influential person about the Court, large sums were often expended to obtain that aid. Under any circumstances the petty passions that disfigure human nature must have found a wide field for exercise among a community of ladies condemned to such a life, cut off from free intercourse with the outer world or with the other sex, and having few objects of legitimate ambition. It appears that the practices and morals of the *O-oku-Jochiu* were not among the fairest pictures of Tokugawa times. So far as discipline is concerned, the system was very strict. The gate leading to the ladies' apartments in the Palace had to be closed by ten o'clock every evening, after which hour neither ingress nor egress was permitted. Even during the daytime none of the ladies might go out without a passport. Thrice yearly — in January, May, and December — they were permitted to visit their homes, but under no other pretext, except in case of the serious illness or death of a parent, was their absence from the Palace tolerated, and every frivolity in the nature of visiting places of amusement was interdicted. Moreover, on enter-

ing the service they were required to swear an oath of twelve articles, one pledging them to serve until death, and another forbidding them to reveal the smallest detail of Palace life even to their own parents or sisters.

The apartments constituting the *O-oku* covered a very large area, and were built and furnished in sumptuous style. A sum of two hundred thousand pounds sterling, approximately, was assigned for the annual support of this little city. Not much of it was paid in the form of direct emoluments. The "Seniors" had fifty *koku* of rice yearly (the equivalent of about as many sovereigns), rations for ten persons, thirteen bundles of wood and eight bags of charcoal per month, eighty *ryō* in gold and a new suit of robes twice a year. The *Chiuro* received about one-third of that amount. Three thousand *ryō* (as many pounds sterling, approximately) was appropriated as pocket-money for the *Midaidokoro*, but her highness did not receive that amount to dispose of as she pleased: she could only obtain portions of it from time to time by regular process of written application. There is no accessible record showing how such a great sum as two hundred thousand pounds sterling was spent annually on the maintenance of the *O-oku*, but in connection with economies introduced in the middle of the nineteenth century, information is obtained that a system of wholesale peculation prevailed. Thus a sum of £2,000 was allowed for entertainment

purposes on every occasion when daughters of the Six Families visited the *Midaidokoro*, and her highness was supposed to smoke daily a pound of tobacco costing seventy shillings.

It used to be a common belief in Japan that the *Shōgun*, being surrounded perpetually by ladies who were segregated from contact with the outer world, lived in practical ignorance of political and administrative problems. That is true in the case of some *Shōguns*, but it was no part of the Tokugawa system that the nominal ruler should allow himself to be effaced or that he should ever become a mere *fainéant*. From the point of view of a really industrious ruler like the present Emperor of Germany, the *Shōgun* enjoyed a great deal of leisure. During the forenoon official cares were never allowed to obtrude themselves into his existence. Rising, winter and summer, at five o' clock. he commenced the day with a hot bath and thereafter worshipped in the Palace sanctuary, wearing a special costume for the purpose. Then, having changed his robes, he breakfasted on comparatively simple viands, and afterwards submitted his head to a hair-dresser. While the latter was at work, the Court physicians entered. There were thirty of these officials, and six of them served daily. These six entered by pairs to examine his highness's condition. They advanced on their knees with bowed heads, and each taking one of the *Shōgun's* hands, raised it aloft and felt the pulse, each then

passing the hand he had consulted to his colleague, so that, in sum, the pulse at each of the *Shōgun's* wrists was felt by six physicians daily, without his face being seen by any of them. Afterwards the chief physician entered with equal humility and examined the august stomach. That routine concluded, the *Shōgun* devoted his time until midday to whatever amusements and exercises he specially affected, archery, fencing with sword and spear, and equestrianism being usually among the number. Luncheon was served sometimes in the apartments of the *Midaidokoro* or the "Seniors," sometimes independently, but in either case the *menu* was not on an extravagant scale. Official duties occupied the greater part of the afternoon. They consisted chiefly in receiving reports from the *O-soba Go-yo-toritsugi* and perusing documents presented by them. These *O-sobe Go-yo-toritsugi* — a term which literally means "transmitters of business to the presence," but may be translated "chamberlain" — were among the chief instruments of government in the Tokugawa system, for they alone had direct daily access to his highness, and from their lips he learned how to interpret not only the various documents submitted for his inspection but also the events of the time. The Chamberlains were either nominees of the Premier or persons acceptable to him, and it was essential that they should be bannerets enjoying an annual income of at least five thousand pounds sterling. Perhaps the most ac-

curate description of these officials is to say that they acted as the *Shōgun's* political and administrative advisers. Not much delay attended the discharge of the business submitted by the chamberlains. Questions of reward and punishment, of promotion and dismissal, which had to receive his highness's approval, were quickly settled, and other matters also were expeditiously dealt with. It is plain, however, that the Chamberlains might tell the *Shōgun* just as much or as little as they pleased about the events of the time, and that had they been his only medium of communication with the world outside the Court, he might often have remained very ill-informed. To avert that danger and to secure for the people a means of direct appeal to the *Shōgun*, an interesting device was adopted. It consisted of a petition-box (*meyasu-bako*) placed in the principal Court of Justice where any one could reach it. At certain fixed times this box was carried to the *Shōgun*, who inspected its contents. Historians have spoken of the *meyasu-bako* as a mere make-believe, their idea being that only such part of the contents reached the *Shōgun* as his high officials desired him to see. But, in truth, the most elaborate precautions were adopted to prevent any tampering with the contents of the box. When the time came for carrying it to the *Shōgun*, it was taken from its place by a certain set of officials, who, under the eyes of a *metsuke*, carried it to the *Roju*. These, in turn, passed it to the

Chamberlains, by whom it was transmitted to the *Bozu* of the "Business Chamber" to be carried by him to the "Conversation Chamber," by the officials of the latter to yet another dignitary, and by him to still another, until, through so many hands as to preclude the possibility of its being tampered with, it reached the *Shōgun*, who, left alone with it, drew from his bosom a brocade bag in which the key of the box was always kept, and opening it, examined its contents carefully. The operation often required several hours. Such of the documents as demanded the attention of administrative officials, were at once submitted to them, but among the mass of complaints, petitions, accusations, disclosures, representations, and recommendations contained in the *meyasu-bako*, there were generally several which the *Shōgun* locked away in a special cabinet for the purpose of seeking fuller information about their contents. To obtain that information he had recourse to officials called *O-niwa-ban*, a term literally signifying "park guards," but really designating men who served as secret detectives. The "chamberlains" (*O-soba Goyō-toritsugi*), the "petition box" (*meyasu-bako*), and the "park guards" were the three only real instruments of administrative power wielded by the Tokugawa *Shōguns*. The "park guards" did not enter into the original scheme of government. They were organised for the first time by the eighth *Shōgun*, Yoshimune (1716–1745), a scion of the Kishiu family, who,

when he proceeded to Yedo for investiture, was accompanied by Muragaki Sadayu, a man of exceptional craft and perspicacity. Muragaki proved so useful in the capacity of spy that the office of chief detective became hereditary in his family under the euphemism "Head of the Park Guards." Objects of odium and contempt to their brother *samurai*, these *O-niwa-ban* nevertheless rendered most valuable service to the Court, and there are many instances of their remarkable cleverness in assuming disguises for the purpose of enrolling themselves in the household of feudal barons whose doings the *Shōgun* desired to scrutinise. They were the only spies regularly employed by the Court. It is evident that with the "petition-box" as a medium for receiving secret complaints[1] and suggestions, and the "park guards" for investigating their truth, the *Shōgun's* knowledge of men and things outside the Court circle was not by any means so circumscribed as several historians have asserted.

Three bodies of guards were constantly on duty at the Palace,—outer guards, inner guards, and page guards. To belong to one of these corps was counted a high distinction. On the other hand, the discipline was most rigid. Absence involved confiscation of property, and if a captain of guards failed to be present at 10 A. M. on his day of duty, he forfeited his salary for the year, while an ordinary guardsman coming late to his post

[1] See Appendix, note 7.

was fined two pieces of silver. Scribbling on the walls meant capital punishment for a man, banishment for a boy; quarrelling, on whatever pretext, was visited with confiscation of estate; drawing a sword within the precincts of the palace, exposed a man to execution or suicide; even to break into a run within one of the courtyards was a grave offence, and if a soldier of the guard acquired an evil moral reputation he was liable to be killed or exiled.

Chapter III

CRIMINAL PROCEDURE AND THE CRIMINAL CLASSES IN TOKUGAWA TIMES

THE city of Yedo was under the administration originally of two magistrates and subsequently of three, each having twenty-five "aids" (*yōriki*) and one hundred and twenty-five "greffiers" (*dōshin*). The magistrate wielded executive, judicial, and a measure of legislative authority, but the citizens themselves enjoyed a large degree of local autonomy. Elders (*machi-doshiyori*) were selected by the people to discharge general municipal duty, and a headman (*nanushi*) — for which office the principal citizens became eligible in turn — supervised each ward. As to funds for public purposes, they were supplied, in the first place, by prominent landowners (*jinushi*), who subsequently collected the money from the people in their district in the form of a land rate and a house tax. Seven per cent of the assessed rental of lands and houses was levied for municipal purposes, and as the total of this assessed rental amounted to a little over half a million pounds sterling in 1843,

when the city had two and three-fourths millions of inhabitants, it would seem that only thirty-five thousand pounds were expended for municipal purposes, whereas one hundred and seventy-two thousands were levied as State tax. Evidently an expenditure of thirty-five thousand pounds would have been totally insufficient for municipal administration according to modern ideas, but the fact is that the citizens themselves undertook duties which usually devolve on officialdom. All the houses were divided into groups of five each, and each group was held responsible, not only for the acts of its individual members, but also for the discharge of many municipal functions. Thus scavenging was effected by the *hinin* (outcasts), householders paying for the work; roads were repaired and bridges built by forced labour, by voluntary effort, or by means of special levies; there was no public system of street-lighting, each house providing a lamp for itself; police functions, as will be presently explained, were largely discharged by private individuals, and prison expenditures were defrayed by a system which did not include the citizens at large. It must be understood that in all statements of revenues accruing from lands and houses, and in all estimates of public outlays, the military class were not included: they did not pay any taxes.

Even in the provinces, side by side with feudal autocracy, an autonomic system prevailed, having for its basis the same "five men" grouping as that

adopted in the cities. These groups were, in effect, administrative units. They enacted rules for themselves with regard to matters of religious observances, apparel, household relations, marriage, quarrels, robberies, and natural calamities. To render succour to each other in time of distress was also a duty of those forming a group, and their collective responsibility towards the law was strictly enforced. They were further required to give information of any unlawful act coming within their notice, and to conduct investigations into the circumstances of a crime so as to be able to furnish evidence to the tribunals of justice. Each group chose one house to be its head (*kumi-gashira*), and the farmers in every village elected a headman (*shōya*), the headmen, in turn, being grouped according to local convenience under a chief headman (*ō-jōya*), while functions closely resembling those of police were discharged by representatives of the farmers (*hiyakushō-dai*) in rural districts. Indeed, among the notable improvements standing to the credit of the Tokugawa administration police efficiency must be placed. Bands of robbers no longer roamed the provinces nor openly harassed the citizens of the great towns. There was an abundance of all other kinds of thieves, — burglars, highwaymen, pickpockets, shoplifters, and swindlers, — but open defiance of the law ceased to be possible.

The most daring disturbers of the peace were the so-called "wave-men" (*rōnin*), or unattached

samurai, to whom allusion has already been made in a previous chapter. Originally the *rōnin* were retainers of feudal chiefs who, having lost their estates in the sequel of intrigues or combats, could no longer support a military establishment, and thus the *samurai* serving under them had no choice but to become soldiers of fortune, ready to enlist under any banner or engage in any enterprise. Their desperate condition often betrayed them into sanguinary outrages, and their readiness to transfer their allegiance from one feudal chief to another did violence to the principles of loyalty and fidelity forming the bases of the *samurai's* creed. The *Taikō* endeavoured to check this abuse by forbidding any *samurai* to enter a new service without the consent of his former chief, and the Tokugawa rulers sought to impose a similar veto. But no signal success attended these efforts. The *rōnin* continued to be a feature of feudal Japan, not necessarily as soldiers of fortune, but sometimes as men who, for a purpose of their own, — to avenge the death of a relative, or to travel through the provinces on fencing tours, or to promote some political aim, — found it inconvenient to be tied to the service of one master. It was by these men that all the political outrages of later Tokugawa days were perpetrated, — the assassinations of prominent officials, the cutting down of foreigners, the assaults upon legations, and the violent acts of opposition to the conclusion of commercial treaties.

In the same context may be placed another class of men about whose origin and habits various accounts have been published. The Tokugawa Government not only employed Buddhist priests as aids in the suppression of Christianity, but also made use of them as political detectives. The religionists that thus combined sacred with secular duties were adherents of the *Fuke-shu*, or "sect of universal mutability," which, founded by a Chinese bonze, was introduced during the thirteenth century into Japan, where, owing to the propagandism of Rōan and Kiusen, its temples of Myōan-ji in Kyōtō and Kogane in Shimosa attained some celebrity. The creed was based on the philosophy of Laotsze and Chuang Tsu, who taught the doctrine of abstraction from all worldly affairs, and held that were there no such implements as rule and measure in the world, neither would there be any sin. Hence the representatives of the sect called themselves *kyōmu-so* (generally pronounced *kōmuso*), or "priests of nothingness." However sincere they may have been originally, their ranks gradually became a refuge for men who, from motives of expediency rather than piety, desired to segregate themselves from society without observing the forms preliminary to entering the ordinary priesthood and without publishing the fact of their anchoritism. They carried a sword, and wore a sacerdotal scarf as well as a peculiar large hat in the shape of an inverted basket which completely concealed the

head, but otherwise their garb did not differ from that of a layman. In effect, they were beggars, but they never begged. Their method was to play a flute from door to door or to recite some religious formula, and to receive in silence the alms invariably tendered. Identification was impossible in such a costume, and since by entering the sect immunity might be secured from the consequences of crime at the expense of observing celibacy and abstaining from meat diet, some *samurai* whose hands were stained with blood or who had otherwise broken the law, some who had pledged themselves to a vendetta, many who regarded a wandering life and its privations as the best kind of military training, and a few who were commissioned by the authorities to conduct secret quests in this effective disguise, joined the ranks of the *kōmuso*. They were entitled to special privilege at inns and ferries, and inasmuch as the people could not distinguish whether these mysterious figures, travelling always in pairs and never allowing their features to be seen, were official detectives, avengers of blood, soldiers inuring themselves to hardship, or desperadoes whose crimes compelled them to shun the light of day, the *kōmuso* always found plentiful charity, and had little to fear from the consequences of the excesses and extortions they often committed. Such strange beings, moving silently and ominously among the citizens in whose daily life they constituted an element of perpetual terror, would not

have been tolerable in a society less subservient to military officialdom. The *rōnin* and the *kōmuso* were natural products of Japanese civilisation in feudal times, when the privilege of carrying arms being monopolised by a small oligarchy, a mood of unreasoning submissiveness became instinctive among the bulk of the nation, and abuses were tamely endured which, under other circumstances, must have provoked violent resentment.

The legislative theory of feudal Japan down to the Tokugawa era was that knowledge of the laws need not be possessed by any save their administrators. It sufficed that the people should be instructed in the general principles of right and wrong. On the ruling class alone devolved the duty of determining whether a certain act violated those principles. This doctrine, based on the old Confucian precept, "Make the people obey, never make them know" (*Tami wo shite yorashimu beshi shirashimu bekarazu*), had not been recognised in ante-feudal days. The *Taihō* Code, promulgated in the eighth century, embodied rules sufficiently explicit for the guidance of rulers and ruled alike. Further, it was applicable to the whole nation, whereas under military feudalism each fief legislated independently for its own vassals. Had the lawgivers of Japan performed their task with anything like the measure of textual precision and respect for details deemed essential by Western jurisconsults, the result must have been a mass of

statutes as heterogeneous as were the conditions of the various districts for which they were enacted. But inconvenience of that kind was averted by the theory that the letter of the law need not be formulated provided that its guiding principles were enunciated, and since legislative principles are tolerably uniform everywhere, Japanese local enactments do not exhibit so much diversity as might be anticipated. The "Seventeen Precepts" of the House of Asakura, the "Hundred Rules" of the Cho Sokabe Clan, the "Twenty-one Statutes" of the Hōjō, the "House Laws" of the Takeda Chief, the "Wall Writings" (*Heki-sho*) of the Uyesugi, and other bodies of feudal regulations, could be compiled into a whole without any serious clashing of sanctions or vetoes. Still each fief exercised the right of independent legislation, as was consistent with the autonomy it enjoyed in other respects. The *Taikō*, in pursuance of his project of national unification, contemplated re-enacting the ancient *Taihō* Code and making it universally applicable. But he died on the threshold of this reform, and the enactments issued over his own signature were evidently dictated by the immediate needs of the time rather than by any broad legislative principle. At first the Tokugawa *Shōguns* adopted the old method of making known the laws to those only that were required to enforce them. But the eighth *Shōgun*, Yoshimune (1716–1745), one of the most enlightened rulers ever possessed by

Japan, arrived at the conclusion that obedience to laws could not justly be expected from people ignorant of their provisions, and that many of the offences committed throughout the country were attributable to that mistaken theory of government. He therefore directed that every law thenceforth promulgated must be read in the presence of the people, and explained to them by either the *Daikwan* (provincial deputies) or the headmen of villages, and must further be inscribed on notice-boards set up in conspicuous places.

Yoshimune's era, or, speaking broadly, the first half of the eighteenth century, is remarkable on account of improvements then effected in criminal laws and judicial procedure. Feudal legislation at the close of the seventeenth century was very harsh. While, on the one hand, regulations were issued providing for the kind treatment and protection of animals, birds, and even fishes, laws were enacted perpetuating one of the most terrible injustices of ancient times, the implication of children in a parent's crime. If a man or woman, sentenced to be crucified or burned, had male children above fifteen years of age, they were similarly executed, and younger children were placed in charge of a relative until they reached that age, when they were banished. Even when a parent suffered the ordinary capital punishment of beheading or hanging, it was within the discretion of the judges to execute or exile the male children. Wives and daughters

were exempted from the rule of implication, though they might be reduced to the rank of slaves. In the year 1721, however, under Yoshimune's rule, a juster spirit inspired legislation. It was enacted that even in the case of crimes punishable with crucifixion and exposure of the head, the penalty must be limited to the criminal himself, and that with regard to the most heinous of all crimes, parricide or the murder of a teacher, a special tribunal should determine whether the children and grandchildren ought to be implicated. But this leniency applied to farmers and merchants only: the *samurai* were not included. To punish the offence of a man of rank more severely than that of a commoner is exceptional procedure, though justice suggests that the guilt of an offender should vary directly with the degree of his education and the circumstances of his life. In this matter, however, Japanese law-givers were influenced by expediency rather than by philosophy, crimes committed by *samurai* being of more consequence to the State than crimes committed by farmers and tradesmen.

Side by side with the above evidence of improved legislative conception, it is strange to find barbarously stringent measures for checking theft. Death was the penalty for stealing anything, no matter how small, or for entering another's house secretly, even though nothing was carried away, or for lying, swindling, or attempted extortion by force. Yet an inexplicable discrimination was

made in favour of the pickpocket. For him tattooing (*ire-zumi*) seemed a sufficient punishment, so that he stood in the same category with a person absconding without paying his score at an inn or a restaurant. In either case, however, repetition of the offence involved death. On the whole the records show that mediæval Japan's legislation partook of the severity which formerly characterised penal laws everywhere. To render punishments deterrent by their severity was the only course that suggested itself. Even such a petty offence as concealment of dutiable property so as to escape taxation might be visited with death; not before the close of the eighteenth century was the execution of a pregnant woman deferred until after the birth of her offspring, and six years previously to that reform a new regulation provided that if a criminal who had wounded a parent or a master died in prison, his corpse should be preserved in salt and the penalty of the law inflicted on it, even though the wounded man had recovered. It will naturally be supposed that in order to increase the deterrent effect of penalties, their infliction was made as public as possible. That was the case up to the year 1633. But the authorities then forbade any persons to attend an execution except those whose presence was necessary. The veto never became really effective, however. Executions continued to be public, though they seldom attracted many observers, the people of Japan not being troubled

by a morbid desire to witness scenes of bloodshed. On the other hand, the Government took care that the prelude and the sequel of an execution should force themselves on general attention. The condemned man, his hands and arms tightly bound, was placed on horseback and carried to the execution-ground under escort of a band of beggars, the melancholy procession lengthening its route so as to pass through all the principal streets. After execution the head was exposed for several days under a placard setting forth the criminal's offence.

From the beginning of the Tokugawa era judicial procedure was ostensibly governed by principles showing considerable enlightenment. In order to prevent frivolous litigation, it was enacted that any one instituting a suit in the face of oral or documentary evidence clearly showing him to be in the wrong, should be either fined or imprisoned. Every case fell within the jurisdiction of the nearest local tribunal, and the integrity of the latter's procedure being nominally guaranteed by the central government, suitors were warned against appealing to Yedo, the consequence of a groundless appeal being death or imprisonment. All persons discharging judicial functions were enjoined to practise absolute impartiality, to observe the canons of the *samurai*, to live strictly within their means, not to engage in any transactions of trade, and to hear cases uniformly in the order of their institution. A wholesome rule applied to documentary

accusations preferred against officials. The charge had to be shown at once to the incriminated official, who affixed his seal in proof of his readiness to attend in court when summoned for the purpose of answering the accusation. But there was no such thing as a regularly trained judiciary. The functions of judge were discharged by magistrates (*bugyo*), deputies (*daikwan*), or officials serving under them, and justice sometimes became quite inaccessible, owing to the incompetence or corruption of those dispensing it. Serious hardships resulted also from tardiness of procedure. Men charged with paltry offences lay in prison sometimes for years pending trial, so that death frequently ended their durance, or, driven by desperation to attempt escape, they became liable to capital punishment. In civil cases also the delays of the law exposed litigants to such heavy expenditure and inconvenience that it became habitual to expedite matters by bribing the judges. The first resolute attempt to correct these abuses was made when (1716) Yoshimune succeeded to the Shogunate. Rules were then enacted that no person accused of a lesser offence than murder or robbery must be held in custody for more than one hundred days without final trial, and that cases not disposed of within that time were to be specially reported to the authorities. Civil suits which had remained unsettled for six months, must be similarly reported, and as a judicial official upon whose hands a number of

undecided cases had accumulated, became thus an object of derision to the authorities in Yedo, and was liable to removal for incompetence, it is recorded that marked improvement soon manifested itself. The petition-box (*meyasu-bako*), spoken of in a previous chapter, contributed materially to the same end, for complaints about undue delay in adjudicating law-suits were among the documents that people received a special invitation to forward through that channel.

Encouragement given to informers was a marked feature of the Tokugawa system. Not only pardon, but in many cases substantial rewards, were bestowed on persons turning "King's evidence." Thus, in the days of the third *Shōgun*, Iyemitsu (1623–1650), when the pastime of hawking was passionately affected by the Yedo Court, the law provided that anyone finding a hawk's nest should be handsomely remunerated, and that to him and to the other four members of the "five-men guild" to which he belonged should be entrusted the remunerative duty of taking care of the young hawks; whereas if anyone concealed the nest or robbed it, he and his fellow-members became liable to death, and an informer, although *particeps criminis*, was to receive a reward of fifty pounds. Again, in cases of incendiarism, one of the guilty parties might not only avoid punishment, but also obtain thirty pieces of silver by giving information, and a sum of about one hundred pounds together with

the privileges of wearing a sword and taking a family name could be earned by a farmer who warned the authorities of seditious intentions on the part of his fellow-rustics, such as combining to present petitions or absconding in large numbers to elude taxation. Many other instances might be adduced of enactments designed to enlist coöperation for the detection of crime.

But although such measures were adopted to obtain evidence, the law required that an accused person must be induced to confess before his guilt was finally determined. It resulted that torture was freely applied. No instruments in the nature of the rack, the boot, the thumbscrew, etc., were employed. The commonest device was to bind a man with ropes in some constrained position which became more and more agonising the longer he retained it; or to make him kneel upon a grating of wooden bars with their edges upward and then to pile weights upon his knees. In the case of minor criminals a method sometimes pursued was to insert the handle of a pen between the fingers, which were then pressed together forcibly, great pain being thus caused without inflicting any serious injury. But on the whole the tortures employed judicially in Japan were not at all so cruel as those used in mediæval Europe.

The first system of prison organisation in Japan seems to have been introduced at the beginning of the eighth century, when the *Taihō* Code was

promulgated, and doubtless China furnished models in this matter, as she did for nearly all the institutions of the time. The code shows that expenses connected with food, clothes, and medicine for prisoners, as well as the cost of repairing jails under the new system, were defrayed out of the proceeds of confiscated goods supplemented by grants from the treasury; that there were periodical inspections; that in case of severe illness a prisoner's fetters were removed, and that in the event of death his body was either handed to his relatives or decently interred by the authorities. The influence of Buddhism displayed itself in educating a practical sense of the sanctity of life, for not only had the sovereign's permission to be obtained by an elaborate process before inflicting capital punishment, but also on the day of execution all musical performances were suspended in the capital. A holiday was allowed to the inmates of a jail every tenth day, and if a prisoner's parents died he was permitted to mourn for seven days. Diagrams still extant indicate that the dual system common to all institutions having a Chinese origin was adopted in the case of jails: they were divided into the "right prison" and the "left prison," but concerning the purpose of the division nothing is now known. From the same diagrams it is learned that the cangue was imported from China, and that, in addition to chain fetters, there were manacles for the hands and stocks for the feet, both made out

of a single piece of wood. Had the civilisation of the masses kept pace with the religious spirit evoked among the upper classes by Buddhist teachings, the treatment of criminals in Japan would probably have become exceptionally enlightened, for the Emperor *Shōmu* (724–728), adopting the principle, "the dead cannot be recalled to life, nor the condemned judged again," abolished capital punishment and sought to make compassion the rule of government. But practical experience showed that such an administrative principle was incompatible with the morality of the age, and in less than half a century another sovereign — Kōnin (770–781) — went to the opposite extreme by decreeing that incendiaries and thieves must be led through the city after condemnation and then publicly scourged to death. The treatment of prisoners may be inferred from that one fact; but the records are silent on the subject, nor is it possible to distinguish whether the marked prevalence of crime in the ninth, tenth, and eleventh centuries is attributable chiefly to the savage severity of the criminal laws then in force or to the general unrest of the epoch. When Yoritomo assumed the administrative power at the close of the twelfth century, he greatly improved the judicial procedure, organising metropolitan and local tribunals of first instance and of appeal. But his whole system was informed with a spirit of militarism, and though his drastic methods had

the effect of greatly reducing crime, neither he nor the Hōjō nor the Ashikaga left any models worthy of imitation by subsequent generations. It was when the Tokugawa came into authority that more enlightened procedure began to be adopted. As to Iyeyasu himself, what is chiefly memorable is his organisation of three bodies of judicial officials — one charged with jurisdiction in matters relating to temples and shrines; another with jurisdiction in the case of artisans, tradesmen, and other commoners; the third with jurisdiction in questions concerning the agricultural classes — and his creation of collegiate courts, in pursuance of the principle that the graver the case the larger should be the panel of judges appointed to try it. In the matter of prisons, however, there is no evidence that he effected any improvement. That task was left to his successors Iyetsuna (1651–1680) and, above all, Yoshimune (1716–1745). The former caused a new and extensive jail to be built, consisting of five sections: the first (*agari-zashiki*) for the detention of persons whose rank entitled them to audience at Court; the second (*agari-ya*) for ordinary *samurai* and priests; the third (*tairō*) for "commoners" of the mercantile and manufacturing classes; the fourth (*hiyakusho-rō*) for farmers, and the fifth (*jorō*) for females. The office of chief jailer was hereditary in the Tatewaki family, and the representative of the family controlled this, the principal prison in the capital, with a staff of one hundred

FEUDAL CHIEF'S PROCESSION ENTERING SHOGUN'S PALACE ENCLOSURE AND REACHING THE POINT WHERE IT BECAME NECESSARY TO ALIGHT FROM HORSEBACK.

and twenty-four assistants. Up to Iyetsuna's time it had not been usual to send *samurai* to jail. If a *samurai's* offence was not sufficiently grave to call for immediate suicide, exile, or decapitation, he was ordered to go into confinement (*heimōn*), which meant that all the doors and windows of his residence must be kept shut; that there must be complete cessation of ingress or egress; that no business might be transacted except such as was unavoidable, and then only at night, and that a physician must not be admitted during the day. In short, a man sentenced to *heimōn* was virtually imprisoned in his own house with all his family and servants, and had to live in perpetual exile from daylight. A milder form of the same penalty — *hissoku*, or compulsory seclusion — differed in the essential particular that windows need not be closed, and that ingress or egress was permitted by a narrow opening, while in yet a third form — *enryō* (retirement) — the shutting of the main gate alone sufficed. Another plan pursued with offenders of the *samurai* class was to entrust them, pending trial, to the charge of some family, which then became responsible for their safe custody. This practice continued to be used occasionally even to the close of the Tokugawa dynasty. It may be regarded as a kind of bail, and was, indeed, the only kind known in Japan. In the system suggested by Iyetsuna's advisers separate prisons were assigned for the accommodation of military men, but the fact that

they were imprisoned at all was a significant departure from old-time methods. Yoshimune greatly extended his predecessor's reforms. He softened the rigour of prison regulations, and caused two special buildings (*tamari*) to be constructed for sick prisoners, whereas the cruel custom had hitherto been to place them in a separate hovel with a supply of medicine and abandon them to their fate. The common jail of Yoshimune's time had double walls of wooden lattice-work, the space within the inner wall being for the prisoners, and the corridor between the walls for purposes of official inspection. Thus the prison was practically open to the four winds. One prisoner was selected to be " mayor of the jail " (*rō-nanushi*) and under him served a guard (*yakutsuke*) consisting of eleven prisoners taken from each room. When a man confined in the *agari-zashiki* or the *agari-ya* had to proceed to a court of justice, he was carried in a closed sedan-chair (*kago*); but other prisoners were marched through the streets, being allowed, however, to wear a slouched hat which concealed their faces. The general principle as to prison expenses was that they should be defrayed locally within certain limits. Thus the cost of a thousand *kago* annually for conveying the better classes of culprits to and from the tribunal of justice was levied from householders within a certain district, any additional outlay being paid by the Government, and the expenses of

transporting provisions as well as those of repairing jails were imposed upon the inhabitants of other districts in the vicinity. There were four grades of diet, the worst of them sufficiently tolerable; garments were furnished by the Government to criminals whose friends or relatives failed to supply them; machinery for preferring complaints was provided; on the 15th of July every year a feast of fish and vermicelli was given to all the prisoners, and in the Ishikawa-jima suburb a species of workhouse (*ninsoku ori-ba*) gave shelter to time-expired convicts lacking means of sustenance or not fit to be trusted at large. All this suggests a tolerably complete system of prison management. But there were many defects and abuses that do not appear upon the surface. The sanitary arrangements were inexpressibly bad, and the prisoners suffered intensely from exposure, the clothing supplied by the Government being withheld until a man's garments had been worn to shreds. Pitiless cruelty and extortion disfigured the administration of the *Ro-nanushi* and the *Yaku-tsuke*. Themselves generally hardened criminals, they freely exercised the power of flogging and torturing entrusted to them for the preservation of order, and as complaints could not be preferred except through the medium of the *Yaku-tsuke*, against whom they were generally directed, a prisoner had virtually no redress. All the duties connected with the prison, except those discharged by the *Rō-nanushi* and

Yaku-tsuke, were entrusted to men of the "degraded class," compulsory contact with whom was in itself a severe punishment, and even the sick had to depend on the ministrations of these outcasts. Thus the jails of Japan, though on the whole not inferior to those of contemporary Europe, were so mismanaged that many of their inmates perished miserably, and permanently broken health as well as moral degradation were almost inevitable results of long incarceration. Things remained in that state until the Restoration in 1867, when one of the first cares of the Government was to revise the criminal laws and reorganise the prison system. Within a short time the *Rō-nanushi* and the *Yaku-tsuke* were replaced by officials of different type; the employment of beggars and outcasts in connection with prisons was discontinued; citizens living adjacent to jails were relieved from the duty of supporting them, the Government assuming that burden; Buddhist and *Shintō* priests were appointed to give religious instruction in prisons, and all barbarous methods of execution,[1] such as burning, sawing asunder, and spearing on the cross, were abolished in favour of decapitation or hanging. The prison regulations issued under this new regimen had for preface a declaration that the purpose of imprisonment was to reform men, not to torment them; that pity, not retaliation, should be the motive of the penal law-giver, and that

[1] See Appendix, note 8.

punishment was only justifiable in the interests of the State. Of course so fine a theory could not be at once carried into practice; there were stages of progress. But from the first the statesmen of the era proposed to themselves nothing less than to substitute for the capricious laws and cruel procedure of their predecessors codes which should be in accord with the most advanced principles of Occidental jurisprudence. In pursuance of that purpose they despatched a commission to inspect the prisons in several of the British colonies, and they engaged an eminent French jurisconsult to work at the compilation of penal laws in association with a committee of Japanese experts. Such a wholesale importation of alien systems seemed almost reckless, and did indeed receive that epithet from some observers. But Japan was exceptionally untrammelled. Her one code, a collection of theoretical maxims and skeleton regulations, borrowed originally from China in the seventh and eighth centuries, had ceased to be effective after a brief period, and had lost even nominal validity after the establishment of military feudalism at the close of the twelfth century. Thenceforth until the days of Yoshimune (1716–1745) the nation remained without any knowledge of law, being required to study only the principles of public morality and to obey whatever instructions the governing class promulgated. But the principles of public morality being virtually the same every-

where, Japanese statesmen could feel assured that codes borrowed from France would not present any startling novelties or disturb any time-honoured precedents. They chose to be indebted to France because she was distinguished by the possession of codes that had stood the test of practice, and they went to England for prison models because object lessons were easily accessible in her adjacent colonies; but no profound significance should be attached to these selections. The work of the code-compilers necessarily took time. It was not completed, indeed, until 1880, and the new codes — criminal and criminal procedure — went into force in 1881. The Japanese Government, however, had not been content to stumble along with the old system while awaiting the new. Coming into office at the close of 1867, it immediately appointed commissioners who, without recourse to foreign aid, were able to publish in 1871 a body of laws applicable to the whole empire, and to supplement them, two years later, by a code showing many conspicuous improvements. These enactments served as stepping-stones to the Franco-Japanese codes of 1881, and truly it is difficult to determine which of the two constituted the more radical departure from the spirit of original Japanese jurisprudence. The Japanese commissioners, working alone, recognised as fully as did their French successors that the certainty of punishment, not its severity, is the true principle of penal legislation, and that the object of laws is to

deter crime, not to avenge it. Of course traces of old customs remained in the compilations. All men were not equal before the law, the military retaining some of their special privileges; robbery with violence continued to be punishable with death; a husband detecting his wife in the act of adultery, might still slay the woman and her lover, and a master did not render himself liable to any penalty for beating a servant unless death resulted. But on the whole it is apparent, from the work of these Japanese commissioners, that they were guided by highly enlightened principles, and that, although without foreign aid the great legal reforms of modern Japan could not have been so quickly consummated, they would certainly have been undertaken and carried through. The fact well deserves attention, for it furnishes a complete answer to the often preferred charge that Japan's modern laws and legal procedure are the outcome, not of a sincerely progressive impulse, but of a romantic desire to recover her judicial autonomy. "Had the foreigner within her gates been from the first judiciable by her tribunals, had she not been humiliated by his refusal to entrust his person and property to her keeping, she would have remained content with her old system." That is what her detractors say. It is evident that they never studied the codes compiled solely by Japanese experts long before the question of judicial autonomy had become a living issue.

These important changes did not stop at revision of the laws. They extended also to separation of the judiciary and the executive, hitherto always combined; to the creation of judges, procurators, barristers, notaries, and a new system of police, as well as to the establishment of law schools. Speaking broadly, Japan may now be said to resemble France closely in the matter of penal laws and penal procedure. In one respect she has fallen behind France: the preliminary examination of prisoners is conducted in secret, the assistance of counsel not being allowed to the accused. Public opinion is gradually arraying itself against that feature of the Code, and it will certainly be soon modified.

A reform that lagged slightly was the abolition of torture. In 1874 a notification ordered its discontinuance, reserving, however, to the examining judge discretionary power to employ it in exceptional cases. In 1876 the veto became complete. There has been a curious amount of misconception on this subject. Again and again European and American writers have alleged the existence of the old abuse, and on one occasion an English tourist carried home a conviction that unspeakable horrors were perpetrated in Japanese jails, cries of challenge and onset issuing from a fencing-school for policemen having been mistaken by him for the agonised shrieks of prisoners undergoing torture. The delusion no longer survives in an active form, but its protracted tenacity

of life suggests that it might be revived at any moment.

Barristers are spoken of above as an outcome of the legal and judicial reforms of 1872. They are not the first of their genus in Japan. Their prototype was the *kuji-shi* (public-business man) of Tokugawa times. A modern barrister (*bengo-shi*) would be much offended, however, were he described as a *kuji-shi*, and his mood may be explained by saying that the nearest equivalent of the Japanese *kuji-shi* is the American "scheister." The *kuji-shi* did not require to be versed in law. There were, in effect, few laws for him to study. His equipment consisted of wiliness and craft. He found no opportunity to plead his client's cause in open Court, and if he had attempted to make capital out of legal quibbles, he would probably have been himself removed to the dock without delay. His function was to circumvent the other side by trickery, by falsehood, by forgery, or by treachery. He cared nothing for loyalty. To acquire an intimate knowledge of a client's case and then to sell that knowledge to the adversary, was a common device. So detestable did his practice render him that, in 1838, the *Shōgun's* Government forbade the employment of *kuji-shi*, and directed that all persons following that profession should be driven from their dwellings. The modern *bengo-shi* is a very different kind of person. He has graduated at the law schools, he has received his diploma, and he has a recog-

nised official status. But his countrymen regard him with distrust such as used to attach to the "lawyer, in Anglo-Saxon communities. Old prejudice is partly responsible. But the barrister himself is also to blame. The fact is that law is a very cheap luxury among the Japanese. People who would not venture within the shadow of a law court in Europe, enter boldly in Japan. The barrister has to adapt himself to his circumstances. He must be prepared to conduct a case for a fee of a few shillings. It is difficult for him to preserve the dignity of his profession when handling such petty issues, and competition forbids him to stand aloof. Nearly a thousand names of graduates from the eight law schools of the Empire or from the Imperial University, are added yearly to the roll of barristers. The struggle for existence does not allow them to be fastidious about the work they undertake. An eminent writer says[1] that the study of the law seems to have for the Japanese a sort of abstract and theoretical interest. That is probably true, but if a Japanese is asked to explain frankly why so many choose law as a profession, he assigns two reasons: first, that the bench can easily be reached from the bar; and secondly, that the possession of a diploma confers official rank. Whatever the truth may be, the Japanese bar threatens to become overcrowded, and the shifts to which its members are driven to earn a liveli-

[1] See Appendix, note 9.

hood tend constantly to impair the repute of their profession.

The assertion that the bench is easily reached from the bar requires a word of explanation. There are only three hundred and fifty-eight tribunals of justice in Japan, presided over by eleven hundred and ninety-seven judges and procurators. The judges are not old men of long practical experience, as in America and Great Britain, nor have they won their way to the bench by distinguished ability shown at the bar. A barrister, immediately on receiving his diploma, may pass by way of examination to three years of probationary practice as a judge, after which he becomes, again by way of examination, a permanent occupant of the bench or a public procurator. Access to the bench is therefore easy. But the remuneration attached to judicial offices is insignificant. A junior judge receives a salary of only £70 a year; the president of the Court of Cassation has £550. Soon, possibly before this volume is published, there will be a substantial addition to these exceedingly slender stipends. But even supposing them increased by fifty per cent, they will still be too small to inspire ambition. Yet it is the hope of reaching the bench that animates many students of law; for although the pecuniary reward is not large, its recipient is beyond the range of official caprice, being secure in the possession of his office for life, and further, in no other profession can a young man anticipate

such quick attainment of independence and social consideration.

Next to the abolition of torture for the purpose of eliciting confession, nothing is more notable in connection with the legislative reforms of the *Meiji* era than that all classes were placed on an absolutely equal footing before the law. During the eight centuries of military feudalism, from the establishment of the Kamakura Shogunate to the fall of the Tokugawa, the *samurai* was a being apart. Special canons applied to his conduct, and special tribunals judged his offences, — the *Monjusho* and the *Samurai-dokoro* under Yoritomo's system, and the *Ometsuke*, the *Hoyōjō-sho*, and the *Metsuke* under the Tokugawa. But the *Meiji* legislation removed such distinctions altogether. Whatever a man's rank or social status, if he falls into police hands he is carried at once before the nearest procurator, and if the latter deems that there are grounds of procedure, the case goes to a *juge d'instruction*, who interrogates the prisoner and the witnesses independently. These proceedings, as before remarked, are secret. The witnesses do not see each other's faces, nor are they cross-examined. If the result of this preliminary examination is to establish a *primâ facie* case, the accused is remanded for public trial by a public tribunal where three judges form a collegiate court. Meanwhile he may be released on bail. There is no jury, nor is there any law exactly corresponding to the *habeas*

corpus, and though the framers of the Code endeavoured to provide safeguards which should guarantee an accused person against long detention pending conviction or acquittal, that form of abuse is certainly incidental to Japanese procedure. From this tribunal of first instance there is a right of appeal to a higher court where five judges form a panel, and finally to the Court of Cassation, where seven judges sit. There are also local courts where one judge tries police offences and misdemeanours which the procurator thinks unworthy of reference to a collegiate panel. It will be observed that the public procurator discharges highly important functions. He not only determines whether a case shall be sent forward for trial, but he also conducts it, on behalf of the Crown, through all its subsequent stages. Finally, to complete this brief sketch of the new criminal system, it may be mentioned that witnesses are divided into two classes, direct and collateral. Direct evidence is of the ordinary character. Collateral is the evidence of persons who, though their relationship to the accused partially invalidates their testimony, — as wife and husband, child and parent, master and servant, — may nevertheless be usefully heard for purposes of comparison.

In modern times witnesses in a Japanese law court are not "sworn" to give true evidence: they are merely required to asseverate solemnly. Yet it is an error to say, as has been often said,

that Japan never had any form of oath based on religious principles. When, for example, the Emperor visited Hideyoshi's castle at Fushimi in the eleventh century, the six principal officers of State made certain promises and pledged their faith in this formula: "That these engagements shall be observed we swear by Bonten Teishaku, by the Four Maharajahs, by all the other deities, great and small, of the sixty provinces of Nihon, defenders of castles, tutelary divinities, Kasuga Daimyōjin, Hachiman Daibosatsu, Temma Daijisai Tenjin, and other correlated deities, whose punishments are solemnly invoked on the head of any violaters of this oath." This written declaration was stamped with the blood of those pledging themselves, or was burned and the ashes drunk with water, a beverage supposed to prove fatally poisonous to any one violating the oath. It will be seen that the formula includes Buddhist and *Shintō* superstitions. But in modern Japan, there being no recognised State religion, to prescribe for witnesses in law courts a form of oath based on some special creed would be plainly contradictory. The result, it cannot be denied, is that perjury in the witness box is not regarded with the superstitious horror attaching to it among Occidental peoples in general, and the testimony given in courts of law seems to be correspondingly untrustworthy.

A question of the greatest interest is the prac-

tical influence that has been produced upon crime in Japan by these sweeping modifications of criminal law and criminal procedure. It has never been possible in the case of any other nation to observe such a rapid sequence of cause and effect. Elsewhere all legislative and judicial modifications have been deliberate even to timidity. The conditions demanding change have made themselves palpable before change was essayed. But Japanese law-givers seemed to take no thought whatever for the nation's fitness. They made a wholesale adoption of Western jurisprudence, and applied it at once without pausing to consider its applicability. Yet the result seems to justify their temerity. In Tokugawa times, the number of citizens consigned to jail in Yedo was about seven thousand annually, and over three thousand of them went to the execution ground. At present the yearly number of capital punishments for the whole Empire averages above eighty. Did the old system waste life fruitlessly? It would seem so. Unfortunately the science of statistics is of modern growth in Japan. There are no means of making an exact comparison between the criminal conditions of to-day and those of a cycle or a century ago. It is possible, however, to trace pretty clearly the influence that the radical jurisprudential changes of the *Meiji* era produced during the early years of their full operation. The statistics divide themselves broadly into two heads, major crimes and

minor crimes, — the former category including homicides, incendiarisms, and robberies with violence; the latter, robberies without violence, thefts, and frauds. It appears, then, that whereas 12,291 major crimes were committed in 1884, the number in 1896 was only 4,092, or less than one-third, whereas the minor crimes in 1896 aggregated 273,990 against 225,029 in 1884. Major crimes have, in short, diminished steadily and considerably, whereas minor crimes have increased. The former result goes to prove that the sudden leap from the old criminal system to the new did not in any way disturb the nation's moral equilibrium. But do the latter figures suggest the opposite inference, or should they be interpreted as showing that the novel civilisation which Japan is assimilating tends to foster immorality? The question might be very difficult to answer were not another guide available, the guide of suicides. In 1884 the number of suicides throughout the Empire was 5,603; in 1896, it was 7,459. It seems, therefore, that life is becoming more strenuous and its burden heavier. Indeed, that conclusion might have been reached without the aid of statistics, for even the most superficial observer must perceive that if the race for wealth in the West offers splendid prizes to the winners, it condemns the losers to abject suffering such as was seldom witnessed in old-time Japan. Success and failure lie much farther apart in the one region than in the other, and

the crowd that struggles in the interval between the two extremes shows more vivid contrasts of fortune and failure. Therefore the temptations to chicanery are becoming stronger. And so, too, are the opportunities. The day's work is much more complex in Japan now than it was fifty years ago; its affairs are more multitudinous, its evil suggestions more numerous. There seems to be no doubt that fraud and chicanery are increasing as the civilisation of greed obliterates the last remnants of the *samurai's* fine indifference to gain.

These remarks are well illustrated by the records of fraud. In 1888 the number of convictions in this category stood at 8,853; in 1893 it reached 16,100, — an increase of nearly 100 per cent in six years. A large part of the increase was due to the development of bogus-company promoters, an abuse that could not have flourished under the old guild system, to be spoken of by and by. Travelling facilities also have brought the rustic population within reach of the *rusè* gentlemen of the city. Now that a man can step into a train and, at the cost of few pence and two or three days' idleness, visit Tōkyō or Ōsaka or Kyōtō, which were virtually inaccessible in former times, many sight-seers from the country fall into the hands of city sharpers who practise an endless variety of the "confidence trick." The pickpocket has benefited similarly by the altered conditions of the time, — by the hur-

rying crowds at railway stations, the stream of folks frequenting banks and exchanges, the mobs at election contests, the concourses at political lecture meetings. In Japan the pickpocket (*suri*) takes a pride in his business. He regards a burglar with contempt, and is scarcely disposed to admit his own dishonesty, since he merely takes advantage in broad daylight of the culpable carelessness of his fellow-citizens. There are master-pickpockets and apprentices — about twenty-seven of the former and seventy-seven of the latter in Tōkyō. The apprentice usually comes from the rank of boy-beggars who have shown aptitude for the trade, and when a master-beggar transfers the services of such lads to the pickpocketing trade, he retains a pecuniary interest in the youngsters' future earnings. The apprentice gets at first only ten per cent of his "takings," but is always fed, clothed, and supplied with small money by the master, who also pledges himself, and faithfully observes the pledge, that the boy shall be well taken care of in prison. A master-pickpocket in Tōkyō is said to have an income of about thirty *yen* a month, and his field of operations is strictly defined. He is sometimes utilised by the police, for if the recovery of some stolen article is specially desired, the "masters" are warned that it must be produced at once. Occasionally, too, when an exceptional event seems likely to create special opportunities for theft, the "masters" are quietly

apprehended and held in custody until the occasion is past. It is characteristic of the difference between Kyōtō and Ōsaka that the pickpockets of the latter city work on a much larger scale than their Tōkyō *confrères*, and apply the proceeds of their earnings differently; the Tōkyō practitioner being a dissipated spendthrift, who seldom ventures beyond the limits of the metropolis, never grows rich, and is content to hide his true calling under some petty disguise; whereas the Ōsaka man extends his operations to Tōkyō itself, engages in much larger and more risky enterprises, applies his illicit gains to the purposes of honest trade, and is not infrequently found in the position of a merchant at the head of a considerable business while in secret he employs a band of boy pickpockets. An instance of the ingenuity of these lads is their device to take a lady's clogs from her feet. As she stands in a crowd at some fête, she feels an irritation on her left foot, for example, and removing the right from its clog, she uses the toes to scratch the offending place. Presently the irritation transfers itself to the right foot, and the process of scratching is effected with the left. Finally the lady walks away, ignorant that she has slipped her feet, one by one, into common cheap clogs, leaving her handsome lacquered foot-gear in the possession of the boy with the straw. The race of pickpockets seems to be steadily increasing. Latest statistics showed

2,500 convictions in one year against 1,033 in 1891.

The loafer (*gorotsuki*), one of the pests of modern Japan, has no exact counterpart elsewhere. He nominally pursues a legitimate profession, but devotes the greater part of his time and attention to nefarious practices. There are about a thousand of these persons in Tōkyō, and, like the pickpockets, they are regularly organised in groups, each under a "parent" (*oyabun*). The "parent" usually lives in sumptuous style. His income is derived from several sources, the chief being fees or blackmail levied from gamblers, and presents received for acting as agent in all kinds of shady enterprises. Gambling, it should be noted, was a practice against which the Tokugawa Government legislated strenuously. A law of 1655 contained several penalties for every one taking part in games of chance. Another law of 1664 provided that if any one, having fallen into distress or lost his estate by gambling, made application to a magistrate, disclosing the fact, he would not only escape punishment, but also have his property returned to him. Yet another law of 1666 extended the veto to lotteries. Still, according to the records, gambling had become so prevalent throughout the provinces of Shimoosa, Kōzuke, and Shimotsuke in 1767 that the payment of taxes was effected, agriculture neglected, and a large tract of land left lying waste. The Government then

ordered that vigorous scrutiny should be made, and that persons suspected of gambling might be arrested, — which meant that they were thrown into prison or probably subjected to torture. Again, in 1788, the prohibition was renewed, and its terms declared applicable to all classes, the magistrates being at the same time directed to undertake strict investigations in quarters of serving-men, in temples and shrines, and even in mansions of feudal nobles. But all these measures failed to achieve their purpose. The Japanese, like the Chinese, seem to have an inborn love of gambling. Great fortunes are not lost and won, as was formerly the case in Europe, but in no other nation does the passion extend so deeply into the lower orders of society. Crimes, numerous and serious, have been caused by the practice, and there is no violation of the law against which the police adopt more stringent measures. The " parent-loafers " place their houses at the disposal of gamblers, employing their " children" to give warning of any symptoms of police authority. They further organise a system of espionage which enables them to interrupt games in private houses and to levy hush money from the inmates. There are also in the great cities many buildings called *machiai-jaya* (assignation tea-house), where rooms may be hired and dinners or suppers obtained from neighbouring restaurants, the society of dancing-girls being an almost invariable element of the programme. These places are a

source of regular income to the "loafer," for he keeps himself accurately acquainted with everything that goes on there, and is prepared to turn informer or to intimidate the customers unless his silence be expensively purchased by the tea-house and the dancing-girls alike. The master-loafer extends his blackmailing system to other sections of society, generally for simulated purposes of protection, but sometimes in the guise of open menace. Exchange-brokers find it worth their while to conciliate him, and even men in leading positions occasionally procure immunity from the machinations of the loafer class by purchasing the tutelage of a section of it. All businesses that depend on the good faith of their patrons — the *aikyō-kagyō*, or "amiability trades," as they are called — must placate the *gorotsuki*, for he not only acts as guardian of their secrets, but also protects them with reckless loyalty against enterprises of any other section of his class, and finally lends his services to compound their not infrequent quarrels with rival panderers to immorality. These parasites on vice go so far as to curry favour with the police by helping to unravel the mystery of crimes too heinous to be concealed. Desperate quarrels with fatal issues often break out between the *gorotsuki* in connection with their gambling transactions or when they cross each other's paths of illicit gain-getting. But the law is never invoked: the parent settles everything. If there is still time to prevent

recourse to violence, he invites the hostile parties to a wine feast and summons them to be reconciled, requiring both to drink *sake* from the same cup and then to clap their hands a certain number of times in unison with the whole party. These banquets are conducted with great solemnity. A majority, if not all, of the "parents" in the city attend, and should either of the dissentients refuse to obey, expulsion or even a worse fate awaits him.[1] There is in the relations between the *oyabun* and the *kobun* of this class much that recalls feudal times. The *kobun* regards himself as the vassal of the *oyabun*, and will sacrifice his life to execute the latter's orders, whereas the *oyabun*, on his side, is under a moral pledge to extend his full protection to the *kobun*, minister to the latter's wants, and provide for his family should he be thrown into prison. There is a set ceremony of initiation into the ranks of the *gorotsuki*, and a somewhat similar ceremony serves to cement friendship between the various "parents," who regard it as a sacred duty to succour and protect one another's *kobun*. It will presently be seen, when there is occasion to speak of the *otoko-date* of later Tokugawa times, that the *gorotsuki* of the present era perpetuates his vices and parodies his virtues.

In the same context with the loafer, to whom he is closely related, must be mentioned the *sōshi*, or "stalwart of modern Japan." Much has been

[1] See Appendix, note 10.

written about this curious product of the era. His methods perplex foreign observers, who, finding no parallel in any Western society, regard him as a confirmation of the common suspicion that the moral constitution of the Japanese is a thing apart. Yet, in one sense, the evolution of the *sōshi* might have been foreseen by any close observer of the course of events in modern Japan, and was, in fact, foreseen by several. Education disproportionate to the opportunities for its use, a creed that had survived the circumstances of its origin, and pride of caste outliving the distinctions that once justified it, — these are the parents of the *sōshi*. When the first application of Western standards taught the Japanese nation its glaring deficiencies, the rising generation crowded the portals of the new school of learning, and in acquiring the novelties of foreign sciences, acquired also, as they supposed, a title to public consideration and public employment. But since the State could not recognise more than a fraction of such titles, and since, further, many of these eager youths found their strength insufficient to complete the new studies, there gradually came into existence a class of men equipped either with a grievance against the time or with a sense of failure, deterred by pride of birth from descending to toil in the ranks of "commoners," and still cherishing the old Confucian belief in the divine mandate of every private individual to redress public wrong. To men cherishing such

a mood the agitation and turmoil of party politics came like rain in time of drought. The Government had wronged them, had denied their deserts, had withheld from them all the prizes of office. So, when the banner of the Liberals was raised in 1878, these youths flocked to it. They had a vague notion that the injustice from which they believed themselves to be suffering would be remedied under constitutional institutions, and that duty claimed their allegiance to the Liberal side. But there was no legitimate place for such half-educated, light-headed youths. They could not figure either on the platform or in the press; they had no influence in society, and whatever cause they espoused had to receive some equivalent for supplying them with the necessaries of life. Thus they fell back upon the rudimentary resource of thew and sinew, and people dubbed them *sōshi* (stalwarts). It was neither a term of reproach, nor yet of modern invention. In China, that universal repository of origins, there had been *sōshi* two hundred years previously whom their countrymen regarded merely as "intrepids." But the *sōshi* of modern Japan soon sank to the level of a rough. Party politicians used him for purposes now of intimidation, now of protection. At one moment he was found assaulting some publicist, at another guarding a patron, and at another raiding the platform at a political meeting. It was a strange spectacle to see the Liberals[1]

[1] See Appendix, note 11.

clamouring for freedom of speech and pen and for constitutional institutions, while at the same time they employed the bludgeon of the *sōshi* to silence hostile writers, to interrupt public meetings, and to establish a reign of force. The *sōshi* rapidly fell into disrepute. He was disfigured by venality, a blemish always incompatible with high motives in Japanese eyes, and his manner of life contrasted shockingly with the principles his services were enlisted to promote. At one time there existed as many as eighteen *sōshi* associations in Japan with a total membership of at least fifteen hundred. To-day there is not one recognised association, and it would probably be difficult to collect a score of *sōshi* for any purpose. Many of the sometime stalwarts now earn their bread as petty clerks, as itinerant venders of medicines or newspapers, or in some other humble calling. A few have taken to the stage, organising theatrical troupes of their own,[1] and a few live by nefarious practices. But the truth is that the *sōshi* shares with the devil the misfortune of being painted blacker than he is. Every *chevalier d'industrie*, not enrolled in the ranks of some recognised band of sharpers, is classed as a *sōshi*, and doubtless this vicarious discredit has contributed to the disappearance of the *sōshi* abuse.

The renowned burglars of former times, men that robbed the rich and succoured the poor, have no modern representatives in Japan. Neither

[1] See Appendix, note 12.

do thieves succeed in guaranteeing themselves against interruption by terrorising the inhabitants of the locality where they ply their trade. In Tokugawa days an innkeeper or a merchant often saw a customer shadowed by robbers, yet did not venture to warn the victim, and it was owing to such enforced collusion that *kago*-carriers were able to supplement their legitimate business by that of highway robbery. The *kago*-carrier and the baggage-coolie acquired the name *kumosuke* (vagrant) in allusion to their hand-to-mouth existence and lawless habits. It was a common practice of theirs to carry or lead a traveller to some lonely place and strip him of everything he possessed. The roadside hostelries knew these ruffians, but dared not inform against them, or take any steps to prevent an evidently contemplated crime. Such things are no longer possible. The burglar and the thief of modern time have become commonplace villains, not at all novel or interesting. They despoil the people to the extent of about three million *yen* yearly, and the police manage to recover nearly one-half of the stolen property. It is worth noting that, contrary to a generally entertained opinion, the number of persons killed or wounded by armed burglars is very small. Deaths under such circumstances do not average two yearly in Tōkyō, and injuries total from nine to ten.

Chapter IV

PERSONAL LIBERTY, JUSTICE, SLAVERY, AND CHECKS ON VICE

A MOMENT'S attention may be called to a notable feature of the Tokugawa system, already briefly alluded to; namely, the responsibility imposed on the people themselves for the preservation of order. Specially serviceable for that purpose was the "five-man group" (*go-nin-gumi*), originally an instrument for securing the payment of taxes by holding all the numbers jointly liable for the debts of any one of their number. Many duties devolved upon the "group" and its units. No householder might give lodging to travellers without notifying the "group" to which he belonged; nor might he himself move temporarily to another village before similar notice had been given. In the case of certain offences against good order or public morality, the whole group was penalised in common with an offending member, and sometimes this method of vicarious punishment received wider application, as when any one attempted to charge more than

the lawful price for a pack-horse, or to discount Government money, or to circulate forbidden coins, or to consent, as master or owner of a ship, to carry a person of suspicious character, or, as a barrier-guard, to suffer a wounded man to pass without a permit, — in these and many other instances, not only those directly culpable, but also the headman and all the inhabitants of the district became liable to fine. Again, if a man wandered about neglectful of his duties and wearing costly garments, the members of his "group" must report the case to the authorities. Should they fail to do so, and should the idler's punishment result from information otherwise furnished, not only the members of his group and the elders of his street were subject to a penalty, but also the offender's kinsmen. As to active participation in public duties, young and robust citizens of Yedo had to serve by turn as town-guards, who, being posted in buildings at cross-streets, sent out patrols every hour during the night and received periodical visits of inspection from a street committee. The people were further ordered to form combinations for the purpose of checking illegal acts, and were enjoined to send to the magistrates monthly reports as to the state of affairs in the district. If any one apprehended that by giving information of an evil act he might incur the vengeance of malefactors, — a fear which protected many law-breakers against exposure, — he was advised to communicate in writing with the authori-

ties, who guaranteed his immunity from evil consequences.

Under such a system it was natural that considerable power should be vested in the individual. Thus all persons were authorised to arrest suspicious characters, — a commission of wide import, inasmuch as if a man without ostensible occupation was seen frequenting a village, or if any one was observed lurking in a temple-enclosure or a forest, or leading a horse in an unwonted manner, he became a suspicious character for the purposes of the injunction, and should those detecting him be unable to effect his arrest, they were to appeal to the headman of the village, whose duty then required him to collect a sufficient number of persons to accomplish the task. It was also lawful for the inhabitants of a village to expel mendicants of every class — including itinerant priests and *kōmuso* — if they grew troublesome or importunate. The *samurai* in this era retained some of the police functions that had devolved on them in early feudal days. Thus, if a murder was committed in the vicinity of a *samurai's* dwelling, he was expected to pursue the assassin, deprive him of his weapons, and hand him over to the nearest magisterial court, or kill him if he resisted; nor might a householder plead ignorance of such a deed of blood, for ignorance of lawless acts perpetrated close at hand was regarded as culpable negligence. But, on the whole, a transfer of the duty of preserving public order from

the shoulders of the *samurai* to those of the commoner was one of the features of the Tokugawa epoch.

It is not to be inferred, however, that an official force of police did not exist. There were duly organised bands of police in every city and fief. Constables had their regular beats, and in each ward there stood a small wooden building for confining turbulent characters, pending instructions from an inspector who made tours at set intervals. The system pursued in the case of a person found lying drunk or sick on the road was to leave him undisturbed, treating him however with due care, unless he could indicate his place of residence, when the police had to send for assistance to remove him. When he had lain for a day and a night without recovering, the fact must be reported. To be "drunk and incapable" did not constitute an offence in those days.

The Government evinced its sense of duty towards the people by periodically sending officials from Yedo to the provinces to see whether the inhabitants suffered from impositions, whether merchants arbitrarily raised the price of goods, whether any form of punishment not sanctioned by law was in force, and, in general, whether the condition of the commoners was satisfactory. Many abuses escaped these inspectors, and their eyes were closed to others by bribes, but they did some good. Nor can it be truly said of the *samurai*, as several critics have said, that the lower

orders received no consideration at his hands in Tokugawa times. Such a theory is inconsistent with instructions repeatedly issued for the guidance of officials travelling on public business. They were provided with certificates entitling them to demand the services of a fixed number of horses and baggage-bearers at each village, the villagers having the right to refuse any further requisition; they were ordered to pay definitely determined rates for everything they used, the people, on the other hand, being forbidden to make any extra charge under penalty of thirty days' imprisonment for the person making the charge, and a fine for the headman of the village as well as all the residents of the quarter; they were strictly warned against accepting entertainments from the inhabitants of the places they visited, and the inhabitants were admonished not to offer entertainments; they were to adjudicate, in conjunction with the deputy of the district, any disputes between their followers and the people; they were to put to death any of their retinue that fought, as well as those joining the fight, and they were to restrain their attendants from felling trees or bamboos or otherwise damaging property. When the *Shōgun* himself made a progress to Kyōtō, his vassals were restrained by similar orders; any act of robbery or extortion on their part was punishable with death; wanton destruction of private property was peremptorily interdicted; horses must not be let loose; no re-

tainer might enter the precincts of a hotel without dismounting from his steed, and when leaving an inn every *samurai* had to obtain from the landlord a document certifying that the visitor had behaved quietly during the night and had paid his reckoning before setting out. Such measures suggest that the lower orders in Tokugawa days received at the hands of the military class treatment not by any means deficient in benevolence, and when the fact is considered in conjunction with the share granted to them in the preservation of public order, it becomes impossible to regard them as the down-trodden serfs spoken of by many commentators.

Official solicitude for the welfare of the agricultural class should be mentioned in this context, though it was probably inspired by the policy of conserving and developing the farmer's tax-paying capacity rather than by any earnest thought for his happiness. Neither had the Tokugawa rulers any monopoly of such a spirit. The *Taikō*, though he increased the fiscal burdens of farmers, sought to protect them against extortion by enacting that assessments of their land for purposes of taxation must always be made in their presence; that any attempt to exact more than the regulated amount should be punished; that special abatements must be granted in case of poor harvests or natural calamities; that the Government should be responsible for heavy repairs of river banks,[1] and

[1] See Appendix, note 13.

that the minor repairs, devolving on the people, should be deferred until the farmer's unoccupied season. Yet he made it a criminal offence for a farmer to suffer his land to lie fallow, and if a man fled leaving his taxes unpaid, not only the members of his "group," but also his family and all that harboured him or assisted his escape, became involved in the penalty. The Tokugawa were at once more practical in promoting agriculture and more considerate in their attitude towards the present. They carried out extensive works of irrigation and riparian improvement; they inculcated precautions against famine; they encouraged reclamation for rice-growing purposes;[1] they forbade farmers to become merchants; they enacted that, in the event of a man's being prevented by sickness from tilling his land, the members of his "group" must do it for him, and, like the *Meiji* Government of modern times, they undertook enterprises officially which seemed beyond the reach of private initiative.[2] The annals contain, also, numerous instances of instructions issued to provincial deputies to treat peasants benevolently; to save them from loss; not to borrow money from them or to engage in business with them; to pay direct the daily allowances (in rice) of all persons officially employed instead of paying through middle-men whose extortions sometimes reduced the employé's share to only ten per cent of his due; never to take for them-

[1] See Appendix, note 14. [2] See Appendix, note 15.

selves more than the lawful amount of tax-collecting commission (three per cent), and to periodically inspect the rivers and the crops. Peasants that neglected their farms were liable to have them confiscated and to be themselves driven from the district, whereas, if a farmer cultivated his land industriously for twenty years, paying all his taxes without fail, he acquired the right of permanent tenancy, though not the right of disposing of the land ; while if, though obviously diligent, he could not earn a livelihood, the deputy was required to assist him. It may be noted here that under no circumstances might a farmer sell his land. In any transaction of land sale, the seller became liable to imprisonment and banishment, the buyer to imprisonment, and if either died before the execution of his sentence, his children were punished in his stead, the land also being confiscated. The pledging of land on terms involving its possible alienation was equally penalised, and in view of these strict vetoes, the privilege of permanent tenancy became so valuable that hope of acquiring it by industry and regularity in discharging fiscal claims proved a powerful incentive to the exercise of those virtues.

But if the Tokugawa system showed unprecedented consideration for the peasant and offered him substantial encouragement, it also exacted from him absolute and almost abject submission to lawfully constituted authority. He was autho-

rised, indeed, to submit to the deputy of his district a written account of any damage produced by drought or inundation or of any circumstances causing discontent. But a peremptory interdict forbade him to combine with his fellows for the purpose of presenting petitions or to make any direct appeal to a feudal chief. All petitions or appeals thus preferred, whether just or unjust, were to be rejected, and those preferring them stood convicted of audacity meriting even capital punishment. The deputies and the magistrates in the various localities wielded almost irresponsible authority, and there is evidence that they often abused it. It was against these deputies and magistrates that the aggrieved peasant had to complain, yet it was to the deputy or the magistrate that his complaint must be carried, and it was at the hands of the same deputy or magistrate that he suffered punishment if his manner of appeal seemed turbulent or seditious. Not until 1771 were the deputies and magistrates deprived of competence to fix penalties for such offences, and the law making that wholesome change contained provisions that the ringleader of a combination to prefer a complaint, or the person whose signature stood first among the names on a petition, should be sent into penal servitude; that delegates carrying a statement of farmers' grievances to their feudal chief's mansion in Yedo should be handcuffed for from thirty to fifty days; that their co-signatories should be

reprimanded and that the whole village should be fined. A wholesale example of the operation of these laws was furnished in 1838, when the inhabitants of five hundred and forty-four villages and three post-towns in the province of Kai, rendered desperate by official extortion and bad crops, rose in insurrection, with the result that four were crucified, nine beheaded, forty-six transported, twenty-three driven from their homes, thirty-four scourged and tattooed, sixty-four fettered for several days, and one hundred and twenty-nine fined. In truth, the only resource for distressed peasants was to leave the district where they suffered, and even that step might not be taken unless all arrears of taxation had been paid.

Theoretically this system aimed at suppressing collective action without discouraging individual initiative. But it is evident that no such discrimination is possible in practice. Active courage of opinion will not survive the sense of permanent isolation. If a man knows that he can never hope for the coöperation of his fellows, or at any rate may not receive it except at heavy cost to himself and to them, self-effacement and patient endurance under all circumstances will become staple elements of his character. These elements were very apparent in the character of the Japanese under Tokugawa rule, and were perhaps most conspicuously displayed in the realm of civil law. Very few appeals were made to the official tribunals of justice: men preferred to compound

a difference of opinion or even to suffer wrong. Of course, considering the wide interval that separated the "commoner" from the *samurai* by whom alone justice was administered, it would have been natural that the former should shrink from the presumption of thrusting his private affairs on the latter's attention. But that diffidence would not have produced so much effect had it not been supplemented by a settled conviction of the futility and peril of petitions and appeals in general, and further, had not the deputies and magistrates done everything in their power to deter recourse to litigation, law-suits being avowedly attributed by the central Government to partiality and want of vigilance on the part of local officials. There was another reason for avoiding the law courts. Unsuccessful suitors had to anticipate very harsh treatment, for upon them devolved the chief responsibility of carrying the case beyond the reach of conciliation. Thus arbitration and compromise became the rule, litigation the exception. When a dispute occurred, the parties submitted it, in the first place, to the members of the "five-men group," or groups, to which they belonged. These met in conclave, the disputants being present, and food and wine being served to promote a friendly spirit. Very seldom did the judgment of the group fail to satisfy the disputants, or at any rate to placate them. Indeed any case not settled in that manner assumed at once an unreasonable and even

a disreputable character. Nevertheless, before reaching the official court there still remained another tribunal to be consulted; the tribunal of the elders (*toshi yori*) and the headman (*shoya* or *nanushi*). The respect enjoyed by these persons gave great weight to their opinions, and they took infinite pains to reconcile all differences submitted to them, because failure to find a settlement discredited them in the eyes of the people as well as of officialdom. If, finally, a matter went to the deputy's court, his first proceeding was to recommit it to the hands of some other headman for a final effort of arbitration, and thus the sum of the procedure was that only irreconcilable disputes or exceedingly obstinate disputants found their way to the court of the deputy or the magistrate. In short, law-suits were the exception, compromise and arbitration the rule. This cannot be affirmed quite so comprehensively of the great cities as of the provinces. Business relations and social intercourse being on a wider basis in the former than in the latter, disputes were often more complicated, and the influence of "groups" and "elders" was smaller in proportion to the range of their functions. But the difference is one of degree only.

Although these remarks refer chiefly to Tokugawa times, that is merely because the machinery of conciliation was better organised at that epoch, not because the conciliatory principle failed to receive as full practical recognition in other eras.

It is essential to recognise the antiquity of the custom, because a leading trait of Japanese character seems to have been educated by it. Evidently the justice administered by tribunals of "five-men groups," headmen and elders of city wards or villages, cannot have paid much attention to hard-and-fast jurisprudential rules. Such arbitrators knew nothing about law and were entire strangers to the strict legal principles which form the bases of statutes and codes in the Occident. Their decisions were guided mainly by "human relationship," and only in the very remotest degree by jural dogmas. Full account was taken of all the circumstances of a case, of the past intercourse between those concerned in it, of their family connections, and of the moral obligations under which they stood to one another. Justice, in short, was "personal, not impersonal."[1] Even when a case went before the court of a deputy or a magistrate, it received similar treatment. Neither the deputy nor the magistrate was a trained judicial expert in the sense of having graduated from a law college or satisfied an examination test. But both had the qualification that they made the study of law a life-long business, and that they brought years of practical training to the trial of a suit. In these respects they differed from the members of a "five-men group," from "headmen" and from "elders." Further, it is not to be supposed that their de-

[1] See Appendix, note 16.

cisions were inspired merely by an intuitive sense of right and wrong. Recent research shows that though Japan's eighth-century codes did not remain operative in the feudal age, she had in the mean while come into possession of a body of rules, statutes, and precedents which, though varying more or less in different fiefs, were applied with tolerable uniformity by the deputies and the magistrates throughout the *Shōgun's* dominions. Nevertheless, that the deputies and magistrates paid almost as much attention to the personal elements of a case as did the "groups" or "headmen," may easily be inferred from the consideration that had the quality of justice obtainable by recourse to an official court differed palpably from that administered by the popular tribunals of arbitration, the latter must have lost their credit, and therefore their usefulness as instruments for checking litigation. Besides, although a deputy might in time be promoted to be a magistrate, and a provincial magistrate might be translated to the capital, these were rare incidents, the general rule being that both classes of officials served throughout their lives in the same localities, and thus, acquiring an intimate acquaintance with the inhabitants, were constrained to look beyond the purely legal aspects of cases brought before them. The result of all this was that the Japanese people learned to pay little attention to abstract theories, and to set much store by considerations which an Anglo-Saxon

jurist would reject as emotional. They took for guide the sentiment of right, not its science, and moral duty assumed in their eyes altruistic extensions that trenched upon the confines of romance. Educated to anticipate compromise as the issue of every dispute, they carried the spirit of concession into all controversies, and thus neither in the story of the individual nor in the history of the nation can the student find many examples of that fiercely implacable assertiveness which conviction begets in an Occidental. The Japanese will readily sacrifice his own life to vindicate right, but he does not require others to make any such sacrifice. He may be persuaded of the truth of his own opinions, but he does not exact general deference to them, and he pursues his most cherished aims with neighbourly deference and courteous deprecation not altogether unsuggestive of moral limpness. Buddhism doubtless contributed to educate this mood, for Buddhism, as the Japanese knew it, was essentially a creed of compromises, engrafting other faiths upon its own stem rather than seeking to uproot them. It is scarcely to be questioned that the emotional fires kindled by religious polemics in every age of Europe's civilised existence had some part in welding the mind of the average Occidental to its present implacable tenacity of opinion. But Buddhism never served such a purpose. Its tendency was rather to inspire deference to the views of others and to deprecate sectarian strife. Perhaps

no mood could have been more serviceable to the Japanese in their modern career. It has helped them to adapt themselves docilely to changes which must otherwise have provoked vehement revolt, and it has presided beneficially over the arena of party politics and commercial competition, so that when foreign observers looked confidently for a crisis in the former or a catastrophe in the latter, the result was always adjustment and compromise. How much is lost in other directions owing to the weakness of moral fibre inseparable from such a disposition, it is extremely difficult to estimate. There must be some deficiency of strenuousness and tenacity, and indeed Japanese enterprise often seems to flag on the threshold of attainment. Yet in the other side of the scale there is patience almost unlimited and there is the profoundest faith in time. Where a goal might be quickly reached by resolute vehemence at the cost of a collision, the Japanese reaches it smoothly by slow insistence. He is discovered to have been waiting at his post when he was supposed to have abandoned the field altogether.

The Japanese themselves ascribe their love of compromise and conciliation largely to the code of social courtesy. It is a breach of politeness to be self-assertive; to thrust one's own rights into the sphere of a neighbour's; to disturb the graceful placidity of life by egoistic claims of any kind, or to obtrude distressful subjects upon the

attention of others. Therefore the line of least resistance must always be sought even at the cost of some sacrifices. At first sight this explanation appears to confuse cause and effect; for rules of politeness, being only the expression of the mood that enacts them, cannot be regarded as its origin. There is historical reason to think, however, that Japanese politeness, though it may not have had its beginnings in the Confucian doctrine which places etiquette at the base of all sound administration, certainly owed much of its development to that doctrine. Evidently, if a man is trained to observe, in intercourse with his fellows, certain invariable methods of behaviour and address, he will come to respect the principles of which those methods are the outward expression. The Japanese must be credited with a natural aptitude for the graces of courtesy, or they could not have so greatly improved upon the models they borrowed from China; but their instinct may have been greatly quickened by the Confucian precept of etiquette which informed the Constitution of Prince Shōtoku. At all events, their canons of politeness inculcate self-effacement such as cannot fail to reinforce the spirit of compromise and conciliation. The language abounds not merely with honorifics which must be used when referring to others, but also with depreciative forms for indicating one's self, one's affairs, or one's belongings. A man's dwelling becomes "poor" when he speaks of it to a friend or a stranger; his child, "mis-

chievous;" his garden, "ill kept;" his capacity, "small;" his wife, "silly;" himself, "humble." The exordium and the whole tone of a public speech by a Japanese differ palpably from one by an Anglo-Saxon. The Japanese never dwells on himself, his own attainments, or his own qualifications; he keeps carefully out of sight everything pertaining to the *Ego*. The same rule directs him in social intercourse. Thanks for some courtesy received in the past preface his greetings. He remembers all the doings, the enterprises, the ambitions of his *vis à vis* and makes them the subject of conversation. He commiserates the bereavements of another, but never alludes to his own except to minimise them. It is because of this last habit that superficial observers have accused him of callousness. They imagine that there can be no sense of suffering without a display of pain. But even the least refined Japanese holds that nothing is more discourteous than to obtrude one's personal sorrows on the observation of others, and nothing more unreasoning than to solicit their sympathies, while for the gentleman or the lady trained in the precepts of the *samurai's* creed, all displays of egotistical emotion are contemptible.

There is a trait of Japanese character which falls naturally into this context because of its apparent irreconcilability with what has been written above. It has been here affirmed that the administrators of justice in old Japan, the "groupmen," the "headmen," the "elders," the "depu-

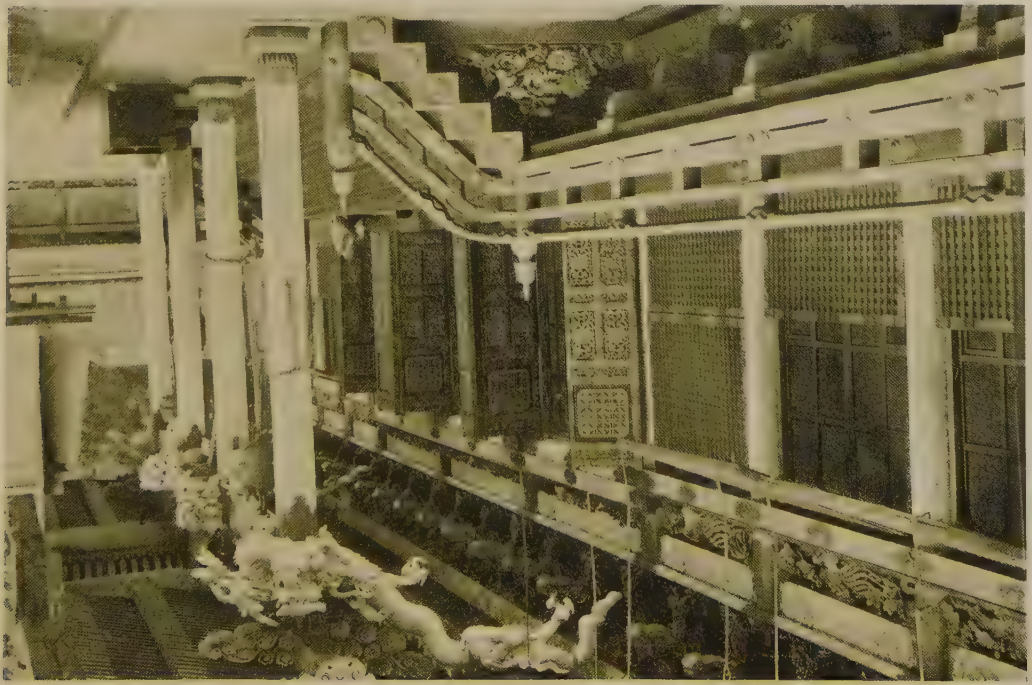
ties," and the "magistrates," were guided rather by the special circumstances of each case than by any hard-and-fast rules, and that there grew out of that method a disposition on the part of the people to adjust all affairs by the sentiment of justice rather than by its science. It has also been shown in previous chapters that extreme formalism characterised the pursuit of pastimes and the culture of polite accomplishments in Japan; that folks seemed to delight in elaborating and following mazes of minute regulations and petty precepts. There is an apparent but not a real contradiction between these two habits of mind, for evidently the mental attitude of a man towards matters of human relationship may differ radically from his mood towards tea ceremonials, incense-comparing, or garden-making. It is patent, however, to foreign observers of modern Japan that her judges, her policemen, and her officials in general, cling with almost desperate tenacity to the letter of the law, and avoid any exercise of discretion in administering it. That is certainly not what might have been expected, judging by the record of their predecessors. Yet it is easy to conceive that the Japanese of the present generation, being called upon to apply systems entirely novel to them, do not venture to make the slightest departure from the exact routine prescribed for their guidance in discharging the unwonted task. Experience shows that the effect of codified laws in every country is to check the exercise of discretion by their ad-

ministrators, and if that is true anywhere it should be specially true of modern Japan, where not only the codes themselves, but also the laws they embody, are new to the people.

A leading feature of early Tokugawa administration was the enactment of measures to check abuses that virtually involved slavery. Traffic in human beings was common at that epoch. Servants and labourers were openly disposed of; children of both sexes were kidnapped for secret sale; girls were ruthlessly pledged to a life of shame; men made a business of acting as agents in such transactions, and offices existed where sales and purchases could be effected. The Tokugawa legislators declared it a capital offence to keep such an agency or to act in the capacity of agent. Doubts have been cast on the sincerity of this repressive effort, and in some degree they appear to be justified. For though between the years 1624 and 1734 no less than eight enactments were issued declaring the sale or purchase of human beings punishable with death, imprisonment, or confiscation of property, and forbidding that servants, male or female, should be bound for a longer term than ten years, still the sense of right in such matters did not always prove as strong as the dictates of expediency. Economical difficulties disturbed the continuity of this wholesomely drastic legislation. Thus, a disastrous failure of the rice crop in 1675, having caused great distress in the agricultural districts, all time-restric-

tions upon traffic in body service were withdrawn, the only essential condition being that the transaction must not be compulsory. This liberty of contract affected adults only. But in 1649 it was declared lawful for parents or guardians to sell a child into a life of shame provided that the consent of the child was obtained,—a frail barrier against abuse. The interests of employers, too, were amply protected. A servant had to be guaranteed by one or two sureties, and in the event of flight prior to the expiration of the term of service, the sureties were required to capture the fugitive or to pay a fine. The offence of absconding was held to be greatly aggravated if committed by a person in the *Shōgun's* service, and in the event of a servant's fleeing after the perpetration of a serious crime, failure to apprehend him exposed his surety to death. Moreover, a law (1655) provided that in case of dispute between employer and employed, the latter, if found to be in the wrong, should become liable not only to imprisonment, but also to any penalty desired by the former. Hence, while it was certain that the Tokugawa system put an end, for the most part, to kidnapping and to the sale of unwilling adults, it did not prevent boys from being apprenticed under conditions that resembled slavery, or girls from being pledged to a career of prostitution or to some cognate unhappiness.

In estimating the operation of such laws due account must be taken of the great importance



attaching to filial piety in Japan. Statutes enacted during the first half of the seventeenth century empowered a parent to have his son or daughter imprisoned, — always assuming the existence of a cause ostensibly reasonable, — and declared that whereas children must be responsible for the debts of a parent, the latter might not be held liable for his children's obligations unless he had pledged himself by deed to discharge them. Also, in the event of a dispute between a father and his son, the ward elder was to act as judge, appeal being allowed to a magistrate, but if the son was found to be in the wrong, the father had the right to determine his penalty. Failure to observe the duties of filial piety constituted a capital offence, and that this law was not a dead letter is proved by the fact that in 1717 a man underwent crucifixion for treating his mother with inhuman neglect, and, three years later, another had to commit suicide for severity to his step-mother. Nor was the system entirely punitory. Conspicuous exercise of the virtue of filial piety received ample recognition. In 1681 one Goroyemon, a peasant of Suruga, whose admirable conduct to his parents had been reported by the visiting censor, received from the *Shōgun* an autograph letter of commendation and was declared absolute owner of his farms. The practice thus inaugurated found embodiment in a law thirty-nine years later under the good *Shōgun* Yoshimune. He enacted that a tenant farmer distinguished for

filial piety should be allowed to take a family name and to carry a sword, and should receive a money reward equivalent to £8 if he was a married man and £32 if single. Land-owners being regarded as more opulent than tenant-farmers and therefore less likely to neglect their parents, were not so greatly encouraged, but if a land-owner having a large family and many domestics to support gave proof of strong filial piety, he was absolved from the duty of paying taxes. It does not appear, however, that the system of signal rewards extended to tradesmen, who stood lowest among commoners. Evidently in the presence of such legislation the idea of refusing to make any sacrifice demanded by parents or suggested by their circumstances could scarcely be entertained by a child, and little practical value attached to the legal provision that without the consent of the child a bargain of servitude could not be binding. A false standard of rightful authority was created in a parent's mind and a false estimate of filial obligation in a child's, so that it became a common practice for a mother or father to sell a daughter to a brothel or pledge her to servitude for a term of years in some other position scarcely less painful. The literature of the Tokugawa era presents many examples of girls who made heroic sacrifices of that nature for the sake of their families or were sacrificed by them. Indeed this custom has always been one of the darkest blots upon Japanese civilisation, nor can it be honestly

said that the abuse has yet disappeared altogether. In addition to the respect — insufficient but still worthy of all praise — evinced by the Tokugawa administrators for liberty of the subject, they must also be credited with a sincere desire to check vicious practices. From the beginning of the seventeenth century, unnatural crimes were declared punishable with confiscation of the offender's entire property, and though this prohibition is attributable in a large measure to incidents connected with such crimes, — quarrels, suicides, and other catastrophes, — no hint of that reason appeared in the official attitude. Again, in 1627, steps were taken to give practical effect to the system of relegating the social evil to remote quarters in the principal cities and penalising its practice elsewhere. Much has been written and said about this system, but its keenest opponents must at least admit that the Tokugawa rulers were guided by a sound instinct when they preferred isolation of vice to its promiscuous practice. Probably the most efficient measures of segregation were a law depriving employers of all authority to retain the services of a female for immoral purposes outside the appointed quarter, and an enactment that not only the owner of a house used for such a trade, but also the headman of the district and the five householders of the "group" to which the offender belonged, should be held responsible.

Then, as now, the dancing-girl (*geisha*) proved

herself a potent perverter of good morals. At first (1710) the authorities seem to have imagined that they could get rid of this troublesome attraction by prohibiting the teaching of dancing under penalty of expulsion from house and district. But of course no such veto could be enforced in a society where dancing represented the chief pastime of all classes. The *danseuse* flourished in the face of legal prohibitions, and not until the close of the eighteenth century were the abuses of which she was typical attacked with really strenuous practicality by the good *Shōgun* Iyenari and his able minister, Matsudaira Sadanobu. This era (1787–1838), as well as that of the *Shōgun* Iyeyoshi (1838–1853), may claim attention, for the records of the sixty-six years immediately prior to the renewal of foreign intercourse afford interesting information about the attitude of Japanese officialdom towards problems generally supposed to have remained unsolved, and even unconsidered, until contact with the Occident suggested new canons of conduct. One of the first acts of Iyenari's administration was to declare the *geisha* illegal, and three years later (1790) he issued a strict prohibition against the publication of any kind of pornographic literature. Complete success did not attend his efforts in either case, but that could scarcely have been expected. At any rate, the spirit of his legislation was admirable. It is to this era, too, that the embryo of a press law may be

attributed. Something very like the modern journal had made its appearance, — a written sheet sold from house to house and embodying sensational reports and strange items of news. It created so much mischief and scandal that regulations were framed providing that every publication must bear the name of its writer as well as of its author; that matters of family history, especially those relating to the Tokugawa, must be carefully excluded, and that no manuscript containing rumours about current events might be offered for sale. Of course the infant enterprise could not survive such vetoes.

It is noteworthy, also, that promiscuous bathing of the sexes was forbidden at an early date (1791). Bath-houses had long assisted to promote immorality. The mere fact that the women's bathing-room was not separated from the men's did not work so much mischief as it would have done in a nation where every display of the nude is counted immodest. The Japanese conception of modesty is not at once comprehensible. In no country has the educated lady been more particular at all epochs to avoid exposure of any part of her person except the face and hands. In the highest classes, as the reader has already learned, even the face used not to be shown to strangers. But the restraining impulse in these cases seems to have been respect for etiquette rather than dread of outraging modesty. Politeness required perfect adjustment of the costume, and any de-

rangement so violent as to expose the foot or the ankle would have been a solecism. On the other hand, some incidents that are shrouded in careful secrecy by Occidental peoples have always been treated with unaffected frankness by the Japanese, and it has never appeared to them more immodest that folks should take off their clothes in each other's presence for the purpose of bathing than that a labourer at work should divest himself of garments which hamper the exercise of his muscles. The intention is everything. If a woman bares her arms and strips herself to her shoulders for the sake of looking attractive in society, she disturbs Japanese notions of propriety much more than a woman that bathes in the presence of others where the alternative is to go without a bath. It should be understood that all families of the better classes had bath-rooms in their own houses, and that in these places anything like commingling of the sexes was carefully avoided. But the small tradesman, the artisan, and the labourer were obliged to frequent the public bath-house, and there no sufficient arrangements existed for separating the sexes until Iyenari's regulations went into force. Another abuse connected with Yedo bath-houses in Tokugawa days was that their upper storeys were converted into a species of *café*, where girls of doubtful character waited on the guests. The third *Shōgun*, Iyemitsu (1652), sought to correct that immorality by limiting the number of

female attendants at a bath-house to three, but Iyenari adopted the more drastic course of abolishing them altogether. It is evident, however, that great difficulty was experienced in checking abuses of this nature. The strict regulation of the social evil, though a wholesome measure in itself, made successful evasions of the law correspondingly profitable. Even elders of wards, though themselves responsible for the enforcement of moral restraints, began to maintain large numbers of female servants who received training in polite accomplishments and were sent to act as waitresses in tea-houses and restaurants at the request of the guests. This clever device to elude official control elicited a proclamation (in 1824) that any householder indulging in such practices should be imprisoned, and that the leading citizens of his street should be liable to confiscation of their house-lots. Nor did the administration limit its vetoes to semi-professional ministers of vice. It endeavoured also to check demoralising habits among the mercantile classes. As a result of the extraordinary vogue enjoyed by the dramatic recitatives called *jōruri* and *naga-uta*, it became fashionable for merchants' daughters to sing music of that nature to audiences of friends and acquaintances in houses specially fitted up for the purpose. This practice was peremptorily forbidden (1805), on the explicit ground that girls performing in such a manner reduced themselves to the level of beggars and vagabonds, who

alone were permitted to entertain the public with singing and playing in wayside booths and churchyards. Side by side with this legislation renewed vetoes were issued against the professional *danseuse*. She was described in one notification (1822) as "a female singer who, magnificently apparelled, hires herself out to amuse guests at restaurants, ostensibly by dancing and singing, but really by practices of a very different character." All such females as well as similarly immoral girls kept at archery galleries and in tea-houses were to be classed as "secret prostitutes," and the owners of the house-lots as well as the street-officials were to be punished as accessories. Any maidservant at a restaurant or tea-house who was observed wearing handsome garments or hair-ornaments unsuited to her position, became liable to arrest and imprisonment; no one was permitted to engage a girl for training as a singer; any females that had already adopted such a profession were to be immediately released from their engagements; men were cautioned against allowing daughters or sisters to pursue the occupation of *danseuse* even for the purpose of supporting parents or family, and merchants' daughters who wore conspicuously fine clothes or costly hair-ornaments were warned that they exposed themselves to the reproach of immorality.

The growing popularity of the theatre and cognate places of public amusement from the

early part of the eighteenth century caused concern to Tokugawa legislators, who saw in such amusements a danger to good morals. In the middle of the seventeenth century an attempt had been made by the third *Shōgun*, Iyemitsu, to segregate Yedo from the histrionic developments then beginning to attract attention in Osaka and Kyōtō. He appointed special constables to arrest actors said to be going about the city corrupting men's morals, and he expelled them immediately on apprehension. But this interdict being subsequently withdrawn, the theatre became a popular institution in Yedo, and serious abuses grew up about it. The building being made three storeys high, chambers in the top storey served for debauches of various kinds, and secret passages connecting the manager's residence or the green-room with houses of assignation, enabled the actors to carry on intrigues which began to constitute romances in the lives of many girls and women occupying respectable positions. Drastic steps for checking these immoralities were finally taken by the Government. It interdicted the building of theatres more than two storeys high, the making of secret passages, the use of bamboo blinds for screening the galleries, the giving of performances after sunset, and the construction of private rooms connecting with tea-houses attached to theatres. Actors were forbidden to repair to a tea-house by invitation, except for histrionic purposes, or to invite a private individual to their own

dwellings. Altogether the theatre and its votaries were regarded as greatly injurious to morality. Iyenari attempted (1799) to put an end to every kind of public entertainment within the precincts of a temple or shrine in connection with religious festivals. But the spirit of the people resented such a restriction and it failed to produce any effect. When, however, in the first half of the nineteenth century, the organisers of these entertainments began to employ actors for the purpose of giving theatrical performances at religious fêtes, public opinion supported the authorities in peremptorily vetoing anything of the kind (1842), and in ordering that all persons engaged in such performances should be arrested and severely punished. It appears to have been thought that the attitude of the theatre was fatal to good morals. The *yose* did not present itself in such an objectionable light. This was a species of music hall where performances were given by singers of *jōruri* or *naga-uta*, by experts in the Biwa recitative and by *raconteurs*. The *yose* had none of the decorative features of an Occidental music hall. It was a building of the very plainest and least attractive description, generally situated in some narrow alley or by-street, and frequented by people who thought much of the penny paid for admission and were content to take a seat on the floor side by side with the labourer or the mechanic "out for the evening." But the owners of *yose* by and by conceived the idea of introducing troupes of

female experts to sing dramatic songs, and of causing refreshments to be served by pretty and fashionably dressed girls, while the *raconteurs* accommodated themselves to these innovations by adding a salicic spice to their stories. Then (1842) the authorities stepped in. They limited the number of *yose* in Yedo to fifteen; they forbade the presence of females in any capacity except as units of an audience, and they ruled that the subjects of recitative, whether song or story, must be chosen from the repertoire of *Shintō* mythology, of military annals, or of ancient legends. There can be no doubt about the sincerity of all these measures. They show that from the first quarter of the seventeenth century until the middle of the nineteenth, and above all during the period 1787–1850, the Tokugawa rulers in their endeavours to promote public morality evinced a degree of earnestness and practicality quite irreconcilable with the disposition hitherto attributed by foreign critics to Japanese officialdom prior to the fall of feudalism.

Chapter V

PHILOSOPHY, EDUCATION, CUSTOMS, AND COSTUMES

HISTORICAL note having been cursorily taken in a preceding chapter of the numerous philosophical sects that grew out of the moral activity of the seventeenth and eighteenth centuries and of their political influences, it remains now to refer to their effect in moulding the mind of the nation.

Broadly speaking, the educated section of the nation — that is to say, the military class — ranged itself under the banners of two schools, that of the Chinese philosopher Chu, as interpreted chiefly by Hayashi Razan and his descendants, and that of Wang Yang-min, as expounded by Nakaye Tōju and his followers. The salient difference between the two schools is that Chu's philosophy is inductive, Wang's deductive. Chu flourished in the eleventh century; Wang in the fifteenth and sixteenth. Chu taught that all knowledge is acquired, even the knowledge of good and evil; therefore any attempt to determine the moral law must be preceded by scientific investigation, any study of noumena by acquaint-

ance with phenomena. Wang, on the other hand, maintained that man possesses intuitive perception of the moral law; that study of self is the highest learning; that to know one's own heart is to have an infallible guide in all moral emergencies. Chu's cosmogony was dualistic. Nature existed in his eyes by the action of a determining principle and a primordial aura, the one directing, the other producing and modifying. The determining principle, according to his view, was entirely independent of the mind of man, which belonged to the sphere of the primordial aura. Wang's theory was monistic. He regarded the determining principle and the primordial aura as merely two attributes of God, and he held that to discover the laws of nature a man need only look into his own heart. The heart, according to Wang's philosophy as expounded by Nakaye Tōju, is a mirror in which all phenomena are reflected. Like the face of a crystal lake, it holds no shapes nor is defiled by any impurity. But in it may be detected, by close scrutiny, the reflected images of all things. Chu held that a knowledge of the material world is the first desideratum, and that therein lie the texts from which the gospel of virtue may be constructed. Wang taught that man needs no knowledge other than knowledge of his own heart, and that to acquire the latter he must resort to introspection and meditation, abstracting himself from his surroundings and learning to count

them as nothing compared with the promptings of conscience. He maintained that all mankind are one family, separated only into those that have found the truth and those that are still without it. He denied that God has any existence separate from the forms of his manifestations, and while affirming that the deity who created all things is anthropopathic and capable of meting out rewards and punishments according to man's deserts, he attributed to that deity a kind of omnipresence incompatible with anthropomorphism of any kind, though consistent with the attribute of boundless mercy. But he declined to attach importance to the conception of an imaginary universe, or to admit that human beings need concern themselves about a supernatural world of which they have no evidence nor can acquire any information.

It is evident that Wang's creed, as submitted to the Japanese nation by Nakaye Toju, partook of *Shintō*, of Buddhism, and of Confucianism. Its simple faith in the power and sufficiency of a pure heart represented the essence of *Shintō*. Its doctrine of introspection and abstraction, as well as the methods it prescribed for educating self-knowledge, resembled the teachings of the Zen sect of Buddhism. Its refusal to indulge in speculations about a supernatural realm, as well as its assertion of universal brotherhood, placed it in touch with Confucianism.

Of these two creeds that of Chu commended

itself strongly to the governing classes, while that of Wang seemed in their eyes heterodox and dangerous. For whereas the inductive philosophy of Chu led men to devote their whole attention to learning, and imbued them with reverence for the existing order of things and for established systems, thus educating a mood of conservatism and reverence, the deductive philosophy of Wang taught that all men are equal, that the promptings of conscience should be obeyed unhesitatingly, and that a knowledge of the right, as indicated by a man's heart, must be translated immediately into action. No doctrine could be less conducive to the stability of a military despotism, for, apart from the democratic tendency of a creed based on equality and fraternity, the disciple of Nakaye's school was educated to believe that if he received from his own mind a clear indication of a ruler's or an official's corruption or wickedness, and, further, if the truth of the indication was attested by an unflinching impulse of self-sacrifice, then duty required him to undertake the removal of the guilty person. The one system produced narrow-minded students and bigoted traditionalists, opposed to all progress; the other produced, not scholars indeed, but heroes, men of action, of magnanimity, and of progressive patriotism. It is not surprising to find that the Shogunate denounced and prescribed Nakaye's philosophy, but patronised and encouraged that of Hayashi's. Yet of the two

Nakaye's creed seems better suited to the genius of the Japanese *samurai*, and has unquestionably exercised wide influence. A long list of illustrious names attests the quality of its disciples, and if in its extreme applications it begets assassins such as those whose self-sacrificing steadfastness of purpose has enabled them to strike down some of the loftiest figures upon the stage of modern Japan's politics, its really representative product is a man of active mind, unflinching resolve, and virtuous life, who looks for no reward beyond the approval of his own conscience, and who never allows himself to be deflected by difficulties from the path of duty or high purpose. There are obvious defects in the system, but the integrity of heart that constitutes its ideal is a beautiful basis of ethics. Probably the prevalence of Nakaye's philosophy among educated Japanese offers a strong barrier to the spread of Christianity, for not only does it exclude the supernatural world upon which the Christian's thoughts are fixed, but also, while denying the existence of an alternative path to truth, it refuses to admit that any garment of forms and ceremonies can be made to fit all nations.[1] The ethical system introduced to his countrymen by Nakaye Tōju was unquestionably the most remarkable and important product of the Tokugawa era, and next to it ranks the revival of pure *Shintō* under the inspiration of Motoori and Hirata, to which

[1] See Appendix, note 17.

NŌ DANCE.

The subject is Benkei and Yoshitsune. (From a Japanese picture.)

sufficient allusion has been made in a previous chapter.

Having thus become acquainted with the general character of these Chinese philosophies as interpreted by Japanese scholars, it remains to notice briefly their relation to education.

Education and learning were naturally much neglected during the disturbances of the Kamakura and Muromachi eras (1192–1565), nor did Oda Nobunaga and Hideyoshi, the *Taikō*, find leisure to effect any change in that respect. It was on the advent of the Tokugawa to power that a new spirit began to show itself, and the credit belongs partly to Iyeyasu and partly to Fujiwara Seika, a scholar who by his profound learning and nobility of character won the esteem of the Tokugawa leader. Fujiwara was not an originator: the philosophy of the Chinese writer Chu, with which alone he concerned himself, had long been studied in Japan. But not until Fujiwara became its expounder did it win many believers. Around him gathered a band of brilliant scholars, the most remarkable among them being Hayashi Razan, to whom and to his successors the Tokugawa chief granted the presidency of an university in Yedo. The teachings of this school received the name "metropolitan learning," while those of another school (founded by Minamimura Baiken and having for its most distinguished representative Ogura Sansho) went by the name of "Nangaku" (southern learning). Both schools

had a common text-book, the philosophy of Chu: the difference between them was purely one of locality. The first departure from this philosophy was made by the celebrated Nakaye Tōju (1605–1678), who, as already stated, took for guide another Chinese philosopher, Wang Yang-ming. This man's influence was very large. People spoke of him as the "saint of Omi;" he had a multitude of disciples whose lives illustrated the value of his teaching; his school was known as the "Kōseisha," because he resided on the west (*sei*) of Omi lake (*kō*), and he numbered among his followers Kumazawa Banzan, one of the most practical and outspoken philosophers of any era. This was the man who, as described in a previous chapter, in an hour when military feudalism was at its zenith and when the nation's dread of political Christianity had become absorbing, preached openly that the *samurai* were bandits subsisting on unearned incomes, and that Christianity should be suffered to stand or fall on its own merits. The contemporaneous existence of three schools — the "metropolitan," the "southern," and the "lake" — two of which were opposed to the third, produced a result analogous to that caused by contact with the warring sects of Christianity at the close of the nineteenth century: an eclectic school sprang up (1685) under the presidency of Kinoshita Junwan, who numbered among his disciples the celebrated Arai Hakuseki, statesman, philosopher,

and historian. The "southern" and the "lake" schools now lost their influence among officials, and the metropolitan school under Hayashi, adhering strictly to the philosophy of Chu, alone remained to dispute the field with the eclectic under Kinoshta. Tsunayoshi, the fifth Tokugawa *Shōgun* (1680–1709), who, before he abandoned himself to debauchery, showed all the instincts of scholarship, encouraged erudition, and went so far as to deliver lectures on the Chinese classics in the hall of the university over which the Hayashi family presided. Thus a fashion was at once set, and, many of the feudal chiefs following it, several schools were established throughout the provinces. That their teachings should in a measure reflect the rivalries of the fiefs was inevitable. To that cause probably as much as to honest conviction is to be attributed the birth of other schools with which are associated the names of men famous in their day and even now well remembered; Yamada Sōkō, master of several eminent disciples; Kaibara Yekken, compiler of celebrated text-books for women and children; Ito Jinsai, who popularised the Analects in Kyōtō; Ogyū Sōrai, who followed the same line in Yedo; and not a few others. Speaking broadly, these various teachers undertook to give correct interpretations of Confucius and Mencius, and to prove that the exigeses of Chu and Wang were erroneous. Ogyu Sōrai, whose school in Yedo was largely attended, went so far

as to relegate self-cultivation to a secondary place, declaring that the only things of real importance were social etiquette, music, and administration. But the results of such teaching, as exemplified in the lives of Ogyū's disciples, were most unattractive, and moreover he gave umbrage in patriotic quarters by applying to his countrymen the epithet *Tō-i no hto* (Oriental aliens) in an essay eulogising Confucius. Hayashi Razan, the great exponent of Chu's philosophy, had roused the ire of imperialists by identifying Jimmu, the first mortal sovereign of Japan, with a prince of ancient China who shaved his head, caused himself to be tattooed and fled from his father's court. That sacrilegious doctrine contributed largely to the genesis of the Mito school of historians, described in a former chapter, and now Ogyu Sōrai, enemy of the Chu philosophy and friend of the Confucian, applied an insulting epithet to the whole Japanese nation. Thus each school provoked critics who set out by differing from its doctrines and ended by differing from each other, so that the closing years of the eighteenth century saw the representatives of the schools fighting with zeal scarcely cooler than that of religious controversialists in mediæval Europe. Iyenari, one of the four great Tokugawa *Shōguns*, came to power under such circumstances, and by the advice of his sagacious minister, Matsudaira Sadanobu, he issued a decree declaring the doctrines of Chu to be the only orthodox system

of philosophy. This pronouncement left men's minds unsatisfied, of course, but had at least the effect of inducing all candidates for official favour to adopt the teachings of the school founded by Fujiwara Seika and brought into special prominence by Hayashi Razan.

The most remarkable of the various scholastic institutions that grew out of this philosophical movement was the University of Yedo, known in history as the *Seidō*. Originally founded (1630) by Hayashi Razan in the Uyeno district of the city, it was moved to the Hongo suburb, sixty years later, by order of the *Shōgun* Tsunayoshi, and in 1789 it became an official college, its dimensions and endowment being enlarged under the patronage of Matsudaira Sadanobu. So long as it remained a private school, admission was restricted to *samurai* of Yedo, but after the changes of 1789 it was thrown open to *samurai* from all the fiefs. The *Seidō* must not be regarded in the light of a modern university. Its objects were political and ethical rather than scholastic. The text-books, carefully chosen from the Chinese classics, were in strict accord with the inductive philosophy of Chu, and everything that tended to encourage independent reasoning was tabooed. In fact the institution, modelled by officialdom at the close of the eighteenth century, was an attempt — largely futile — to avert the danger to which unlimited study of Confucianism would have exposed the fabric of military feudalism. Teach-

ers were required to confine their expositions to the doctrines of Chu and to refrain from all expression of private opinion. The college course covered five years. Severe periodical examinations were held, the questions being prepared by the faculty and submitted to the *Shōgun* for selection, and teachers having to pledge themselves against favouritism by a written oath sealed with their blood. Orthodox exegeses of classical passages, the meaning of the ideographs with which they were written, and the impression they produced upon the student, — these were the subjects of examination. A severe system of discipline prevailed, no excuse for wrong-doing being entertained under any circumstances, nor any disposition tolerated to query the justice of a decision. Thus habits of self-control and a mood of deference to lawfully constituted authority were educated, as well as — it need scarcely be said — courteous manners. The *Seiaō* also served the purposes of a Stationer's Hall. All learned works must be submitted to it before publication, and it had a special bureau for examining translations of Western books. An interesting fact may be mentioned in this context, namely, that a special school was opened in Kyōtō for Court nobles in 1842, the representatives of that class being noted at the time for idleness and immorality.

There were also many schools throughout the provinces, notably the Kōjō-kwan in Yonezawa, the Meirin-dō in Kaga, the Kōdō-kwan in Mita,

the Meirin-dō in Owari, the Kōshi-kwan in Kagoshima, the Jishū-kwan in Kumamoto, the Yōken-do in Sendai and others. One of the most spacious was the Sendai institution : it had twenty-five rooms, and the buildings covered an area of one-third of an acre. Of such schools thirteen were under the direct patronage of the fiefs where they were situated, but not a few were independent of all official aid. Among the implements of education must also be counted a number of lecture halls where the philosophies of China, as interpreted by Japanese students, were publicly expounded, the lecturers generally collecting a fee from their audience.

All this educational machinery was for the *samurai* only : merchants and farmers had nothing to do with it. For them, however, there were popular lectures. Ishida Kampei inaugurated these lectures in the middle of the eighteenth century, and the fact bears significant testimony to the new place won by the middle and lower middle classes under Tokugawa rule. Ishida went by the name of "Baigan." At the age of forty-five he began lecturing in Kyōtō. He employed language intelligible even to women and children, and he taught a mixture of *Shintō*, Confucianism and Buddhism. The female part of the audience sat behind bamboo screens, a precaution which showed that practical morality occupied a prominent place in Ishida's attention. Teshima Tōan, his disciple, acquired

even greater popularity than the master himself, and his discourses always attracted crowds. There was no element of erudition in these lectures. Among those that flocked to hear them many could not read or write, and would have been quite unable to comprehend any abstruse doctrine. Scholars ridiculed this novel departure, but the authorities did not interfere, and there can be no question that the people derived great benefit. They had long been accustomed to listen to Buddhist sermons, which are, perhaps, the most practically useful form of religious discourse preached by the exponents of any creed. But the lectures of Baigan and Tōan raised the "commoner" into the intellectual atmosphere of the *samurai*, and stimulated his reasoning faculties to an unprecedented extent. Nakazawa Dōjin, a pupil of Baigan and Tōan, was the first (1789) to deliver such lectures in Yedo, and it is recorded that his teaching won many converts, not among the common people only, but also among the nobles.

The schools spoken of above were for the instruction of youths, from the age of fifteen upward, who had already received an elementary education. Such youths might have been difficult to find in any numbers prior to Tokugawa times. For throughout the first four centuries of the Military epoch, 1192 to 1590, children's education was greatly neglected. Scarcely any persons were competent to teach the reading of

the Chinese classics. Under the Tokugawa, however, a great improvement took place. At first the Government did not adopt any active measures of direct encouragement; it confined itself to allowing elementary school-teachers to live among the *samurai*, take a family name, and carry a sword. Such privileges, however, being valued very highly, could not fail to produce considerable effect. The status of teacher acquired unprecedented dignity, and attracted a class of men who would not otherwise have thought of such an occupation. Yoshumune, the eight *Shōguns*, gave additional importance to elementary education by employing it as a medium for carrying out his policy of making the law familiar to the people. He distributed to school-teachers copies of all newly enacted criminal regulations, together with a Japanese translation of a standard Chinese work on morality,[1] and he liberally rewarded a physician of Shimane who was found to have been giving instruction to children in the Laws of Iyeyasu (*Gojōmoku*). A great stimulus was imparted to education by these means. Before the middle of the eighteenth century Yedo had about eight hundred teachers who are said to have taught an average of fifty pupils each, and the inhabitants of the other chief cities as well as of the provinces, though not so well equipped, enjoyed educational facilities such as had never before existed. In the towns the teachers were for the

[1] See Appendix, note 18.

most part *rōnin* (unemployed *samurai*); in the country districts headmen, physicians, and *Shintō* or Buddhist priests discharged the function. The priests converted the temples into schools, but in other cases the teacher's house served as a place of instruction. Class hours were from morning to noon, and the curriculum consisted almost entirely of penmanship, in which term, however, were included reading, composition, geography, and ethics. Boys and girls sat in the same room, but in different parts of it. The course for boys was, first, the two syllabaries called *hiragana* and *katakana;* then the twelve signs of the zodiac; then the names of provinces and towns, and finally the writing of letters. There were books containing forms of letters such as had to be written in compliance with the code of social etiquette, and such as might be needed in the common contingencies of every-day life. These orthodox epistles and the ideographs used in inditing them were memorised accurately, with the inevitable result that the art of letter-writing, as understood and applied in the Occident, never became known among the Japanese. In their hands letters degenerated into stereotyped formulæ of congratulation, of condolence, or of inquiry, and were not at all regarded as vehicles for communicating the thoughts and experiences of the writer. Sons of merchants received special instruction in a manual of commerce, and sons of mechanics in a manual of industry, while sons of *samurai* learned to read

and write, first, an essay containing a thousand of the ideographs in commonest use, and secondly an anthology of Chinese poems. Girls also began with a syllabary — the *hiragana* only — and then, having learned to write the numerals, they studied a manual of simple ethics and received lessons in domestic management. Reading, the use of the abacus, the rules of etiquette and music were also taught to girls of the better class, and they learned sewing from the wife of their teacher. An excellent spirit pervaded these schools. A teacher was regarded with such reverence that even to "tread within four feet of his shadow" seemed a sacrilege, and, on the other hand, he treated the pupils as though they were his own children, while they reciprocated by regarding him in the light of a father and evincing gratitude to him throughout his life. There were no such things as examinations in these elementary schools. Their place was taken by monthly "repetitions" (*saraye*) and by one great repetition and two caligraphical tests annually; namely, on the second of the first month and the first of the seventh. Learning, in fact, consisted mainly of caligraphy. All the religious observances in the schools illustrated that fact; as when flags having the name of the deity inscribed on them by pupils were offered at the shrine of Inari; or ideographs of unusual size were indited at the festival of Tenjin; or, on the eighth of the fourth month, ink made from tea

powdered on the image of Shaka was used for the daily copies; or all the worn-out writing-brushes were offered at the shrine of Temman-gu. Children entered the schools at the age of five or six, and the course extended from five to seven years. Sons and daughters of high-rank *samurai* had special instructors, but the children of inferior *samurai* shared the education of the "commoner." There were not any technical schools; practical training was obtained by apprenticeship. The apprentice — who will be spoken of more fully in a future chapter — had partly to study a trade or handicraft and partly to act as a servant. He received, in short, a general training and underwent wholesome discipline. Even wealthy people often sent their sons to serve for a term of years in the house of a court nobleman or a feudal chief, on the principle that to be a man one must mix with men. It was also customary for parents to place their daughters in the family of some man of rank, in order that they might learn the etiquette and domestic usages of polite society, and in some country districts a girl found it difficult to make an eligible match unless her education had included this practical experience. It is not to be understood, however, that she was treated with any special consideration during her residence in such a house; she had to discharge all the duties of a servant, with the exception of the rough functions that fell to the lot of the lowest menials,

the "rice-boilers" (*meshi-taki*), and the "water-drawers" (*mizu-kumi*).

From all this it will be seen that, in the case of the great bulk of the people, namely, the commoners and the inferior *samurai*, education during the last century and a half of Tokugawa sway had no wider range of subjects than caligraphy, the principles of Confucian ethics, and a superficial study of criminal law as actually in force. There were, of course, special teachers of the tea ceremony, of flower-setting, of music, of dancing, and of incense-burning; but these constituted polite accomplishments, and were beyond the range of ordinary education.

Passing from this examination of ethical and educational factors of progress to the actual life of the people, the first noticeable fact is that, on the accession of the Tokugawa *Shōguns*, Yedo becoming at once the administrative and the military capital of the Empire, the manners and customs of its citizens were dictated by *samurai* canons, and the influence of the city's example was felt throughout the whole of eastern Japan. Not only the *Mikawa-bushi* (Tokugawa vassals), but also retainers of all the other feudal chiefs assembled there, and it resulted, as will be understood from what has already been written about the "way of the warrior," that commerce and industry were not counted of any importance, soldierly accomplishments alone being esteemed.

As the commencement of the Kamakura epoch, so in the early days of the Yedo era, frugality of life and simplicity of costume were held to be characteristic of the true *samurai*, though on his arms, his armour, and his war-horse no expenditure seemed extravagant. Indifference to money or material gain of any kind marked all his transactions, and borrowing or lending was also eschewed, on the ground that no to-morrow existed for the soldier (*bushi*), since, holding his life always at the command of duty or of his lord, he could not logically enter into any engagement relating to a future date. Evidently that extreme view of the uncertainty of life was not likely to commend itself to the civilian, who incurred no such risks, and there is little reason to think that the *samurai's* contempt for money in any and every shape ever found many imitators among the people at large, or indeed that it continued to be a conspicuous trait of soldiers themselves after the middle of the seventeenth century. Some customs born of the time when the sway of the sword was complete, did survive, however. Thus, if a husband detected his wife in the commission of an act of infidelity, he was empowered to kill the woman and her paramour forthwith, and if two *samurai* quarrelled, both were punished without distinction, the principle being that lack of sufficient moral decision to refrain from fighting disgraced a soldier no less than intemperate truculence. It is not just, perhaps, to include this

latter rule among the products of militarism, for it embodies a doctrine of civilised forbearance that has not yet received full practical recognition even in Anglo-Saxon communities. Nevertheless, it was one of the enactments of feudal days, and if modern Japanese laws, borrowed from Europe, have ignored the old theory, the laws are the losers. Another evidence that a military mood survived the long succession of peaceful years secured by Tokugawa rule is that the obligation of revenge impressed itself on the people more forcibly than ever throughout the seventeenth century. Official permission could always be obtained to prosecute a vendetta, and a man armed with such permission might kill his enemy wherever he found him. Years being often devoted to the consummation of these acts, and many of them being achieved amid circumstances of extraordinary hardship and after an exercise of splendidly patient endurance, the memory of the avenger was held in perpetual honour, and his tomb received the worshipful tendance of subsequent generations. Even after decadence had overtaken the military spirit, forty-seven retainers of Ako sacrificed their lives to avenge their chief (1704), and a few years later a farmer's daughter and a prostitute slew their fathers' murderers. It may be noted, however, that although these manifestations of loyalty and filial piety evoked enthusiastic admiration, no difficulty was found in enforcing a rule that one act of vengeance must end a vendetta. Men un-

derstood that feuds might otherwise prove interminable.

The difference between the customs of Yedo and Kyōtō is illustrated by the fact that in early Tokugawa days every display of effeminacy was dubbed "Kamigata style," — "Kamigata" being the popular name for the Imperial capital; and the *samurai's* conception of the mercantile class may be gathered from his habit of applying the epithet "tradesman's fashion" to all luxurious tendencies. The *samurai*, indeed, struggled resolutely against the spread of civilian customs. Long after any renewal of the ancient inter-fief fighting had become improbable, he accustomed himself to live on one meal daily, and continued to practise the feat called *igamono-gui*, which consisted in eating anything that came to hand, however unpalatable. In the absence of war he sustained his love of fighting by quarrelling with his comrades. Thus, despite the severe veto mentioned above, formal challenges were given, the issue being decided with the sword. Such duels received the significant name *halashi-ai* (mutual ending). It is on record that two *samurai* of Owari, having agreed to settle a difference, were about to set out for the appointed place, when rain began to fall. They proceeded under the same umbrella, chatting pleasantly, and, arriving at their destination, engaged in a combat fatal to both. There were also more unsightly incidents. Not infrequently a commoner was slaughtered at

night by a *samurai* for the sake of trying the temper of a sword or the efficacy of a special stroke. This bloody practice is often quoted as conclusive evidence of the *samurai's* inhumanity, and certainly it merits the extremest condemnation. But instances of it were rare. The law, too, was in some degree responsible, for it allowed a military man to exercise within his own house authority so unlimited as to be certainly productive of abuse. Thus, if a servant committed a theft, or rode on his master's horse, or engaged in a liaison with a handmaid, he was at his employer's mercy; and undoubtedly the latter did not fail to exercise his authority, for it is recorded that during the *Kwanyei* era (1624–1644) two or three deaths occurred monthly in Yedo from such causes.

The fact is that, like all systems demanding severe moral discipline, the *samurai's* habits were apt to degenerate into extravagance. Absolute indifference to death, brusque and haughty manners, immediate and forcible resentment of anything like an insult, openly displayed contempt for whatever is gentle or effeminate, readiness to face any odds in defence of the weak against the strong, — these are traits which, though admirable so long as their display is confined to legitimate occasions, become unsightly when they perpetually seek opportunities for display.

The extreme development of the latter type was the *kyōkaku* ("champion of the weak"), called also *otoko-date* ("gallant") and *yakko*

("squire"), who had many representatives in the seventeenth century and who unconsciously parodied the true *samurai* by excessive emphasis of his traits. These persons were easily recognisable by their remarkably long swords, — too long to be drawn without special training, — by the rococo fashion of their garments, and by their hair, which was gathered into a queue of exceptional thickness. They found imitators among the tradespeople, who, partly because they admired this vehement type of manhood, but chiefly because they were roused to resistance by the overbearing methods of the swaggering *samurai*, aped the latter's fashions, so that, from the middle of the seventeenth century, the "citizen squire" (*machi yakko*) began to pit himself against the "banneret squire" (*hatamoto-yakko*). Both claimed the title of "gallant" (*otoko-date*), but it ultimately came to be applied to the citizen only. It is not always possible to distinguish between the *otoko-date* and the members of less reputable associations that had their origin in the early part of the seventeenth century, and became very fashionable some fifty years later. They called themselves by various quaint names, as "great and small deities" (*daishō shingi-gumi*), "iron sticks" (*tetsubō-gumi*), "Chinese dogs" (*token-gumi*), "wag-tails" (*sekirei-gumi*), and so forth, being, in short, clubs of roisterers who showed some of the worst traits of military licence side by side with features of the genuine

samurai. On the one hand, they turned night into day, loved fighting, drew the sword for a trifling cause, exacted deadly vengeance for a petty insult, indulged in sensual debauchery, lived mainly by gambling, thought no shame of indulging in drunken sleep by the wayside, and carried all their excesses and refinements to the utmost extreme. On the other, they scorned to break a promise; despised gain; would not demean themselves by counting money; incurred deadly risks for the sake of any stranger that appealed to their protection; deemed it a sacred trust to act as mediator in the quarrels of others, and never hesitated to espouse the cause of the weak against the strong. It is related of these men that they would go into a restaurant, eat and drink freely, and then beat the landlord if he asked for his reckoning, but, if he trusted them implicitly, they would come back at some future date and throw him a piece of gold without asking for change. The citizen *otoko-date* imitated most of these fashions, except that he lent his aid to civilians against *samurai*, and both classes of gallants constituted a perpetual obstacle to the preservation of public peace. Measures to suppress them were adopted at the close of the seventeenth century, but though their organisations were broken up, their spirit survived, finding exponents in the *yedokko* (Yedo "boys") of the eighteenth and nineteenth centuries, who laughed at misfortune, sided with the weak

against the strong, fought as blithely as the "Prentice Lads" of mediæval Europe, abhorred avarice, stoned the funeral procession of a notorious swindler, burned incense perpetually at the grave of his assassin, and worshipped regularly at the tombs of the "Forty-seven Loyal Rōnins." Readers of what has been already written about the modern *soshi* and the *oyabun* of the *chevaliers d'industrie* will recognise their prototype in some of the qualities that disfigured the *Otoko-date* and the *Yedokko*.

It was owing to the growth of a gentler civilisation that these rough representatives of militarism gradually passed out of fashion. Kyōtō was the source of that growth. In all ages Kyōtō had been the Paris of Japan. There the refinements of life had their origin; there the fine arts were most assiduously practised, and there the nation found its standards of taste and erudition. Osaka, which from the days of the *Taikō* acquired metropolitan importance, served in Tokugawa times as the portal for the passage of Kyōtō influences to the nation at large. In neither city did the spirit of simplicity and integrity manifest the robustness that it attained in Kamakura under the early Hōjō viceregents or in Yedo under the first four Tokugawa *Shōguns*. Osaka and Kyōtō loved gain; took supreme pleasure in amassing money; regarded dainty viands, rich costumes, and artistic surroundings as the chief desiderata of existence; freely indulged their sensuous appetites,

and attached comparatively small value to female chastity or even to conjugal fidelity. Adultery was not infrequent. Records show that the babies abandoned in Osaka numbered from five to twenty every month. Suicides were common, owing to the belief that those dying for one another's sakes would be united eternally beyond the grave. The growth of dramatic literature promoted this mood. The great author, Chikamatsu Monzayemon, perceiving the sentimental value of such tragic incidents, wove them into his dramas so skilfully that they became models for popular imitation. Widely celebrated stories, like those of Ohatsu and Tokubei, of Koharu and Jihei, of Onatsu and Seijūro, of Ohan and Choyemon, of Okame and Yohei, and of Osome and Hisamatsu, were simply tales of amatory intrigue so refined and idealised by the touch of literary genius that they appealed with resistless force to the heart of the nation. Singers of the *jōruri* recitative in Kyōtō and Osaka took similar subjects for their themes, and enhanced their effect by music and histrionic skill. In Yedo, on the contrary, *jōruri* performers, seeking inspiration in the realm of courage, loyalty, and military heroism, assisted to maintain the warrior spirit of the northern *samurai* and of the citizens who took them for models. Gradually, however, as intercourse between Kyōtō and Tōkyō became closer, this difference between the morality of the two cities disappeared. The first three Tokugawa *Shōguns*

repaired to Kyōtō to receive investiture at the Emperor's hands, and in the case of their successors an imperial delegate travelled to Yedo to convey the sovereign's commission. A regular transport service was organised for the purposes of these communications, and also for the convenience of the feudal chiefs as they passed to and from Yedo with their large retinues every second year. Further, by the close of the seventeenth century, a fleet of merchant vessels under the control of a powerful guild plied regularly between Yedo and Osaka. Mere contact with evil need not have disturbed the morals of the *Shōgun's* capital, especially as the *samurai* of Yedo professed to despise the ways of Kyōtō. But the military type naturally lost its pre-eminence as the era of peace became prolonged. Even though the fifth *Shōgun* had not made the *Genroku* epoch (1688–1704) notorious by his depraved example, a strongly demoralising influence would have been exercised by the circumstances of the feudal chiefs' residence in Yedo, each deeming it a point of prestige not to be surpassed by his fellow-peer in magnificence of appointments and grandeur of life. Not merely because of the immense sums lavished by the *Shōguns* on the mausolea of Shiba and Uyeno, but also for the purpose of decorating the splendid mansions of the territorial nobles in the northern capital, artists that had formerly made their residence in Kyōtō flocked to Yedo, creating new standards of taste among the citizens.

Debasement of the coinage by the *Shōgun* Tsunayoshi (1680–1701) contributed to the disturbance of society, for the immediate result was a sharp and sudden appreciation of the price of rice, in which commodity the incomes of military men were paid, so that the latter saw themselves apparently enriched and were betrayed into all sorts of extravagance. The most conspicuous exponents of luxurious habits were the seneschals (*rusui-yaku*), to whom was entrusted the charge of the Yedo mansions of the feudal chiefs during the latter's absence every second year. These men not only supervised all the business of the mansion, but also acted as media of communication between the *Shōgun* and the fiefs. The nature of their functions and the wealth they amassed would have made them important figures under any circumstances, but they attracted an exceptional share of public attention by organising meetings which, though nominally for the purpose of discussing the affairs of the fiefs, became in reality occasions for rival displays of pomp and splendour, and were among the most conspicuous social features of the eighteenth century.

Another change that began to be notable in the *Genroku* era (1680–1704) was the acquisition of large fortunes by tradesmen. The annals of Yedo allege that one or two mercantile plutocrats lived in every street, and that not a few *samurai* associated themselves secretly with these traders, thus increasing the latter's facilities. It

was in the days when the fifth *Shōgun*, Tsunayoshi, lost himself in debauchery and extravagance, that a merchant called Kinokumiya[1] Bunzayemon became famous for riches. His residence occupied a whole block in Yedo, and his manner of life rivalled that of a *Daimyō*. In Osaka a tradesman of even greater wealth, Yodoya Tatsugoro, had a garden of over eighty acres in the city; his dwelling-house covered three acres; his warehouses numbered forty, his villas four, and his domestic servants one hundred and fifty. At a later period of the Yedo epoch, Zeniya Gohei, having been convicted of secret trading with foreigners, suffered the penalty of death, and his property when confiscated was found to amount to nearly four million *riyo*.[2]

On the other hand, cases of extreme indigence were numerous. It was always the custom in Japan for families to follow from generation to generation the profession adopted by a progenitor. This conservatism created for such employments an air of respectability which, in its turn, imposed conventions easily satisfied in times of simplicity and economy, but irksome and onerous when the standard of living rose more rapidly than the rewards of labour. It thus happened that, owing to the great economical changes of the eighteenth century, the rapidly increasing cost of sustenance, and the growth of luxurious habits, many of the old families in the middle classes fell into indi-

[1] See Appendix, note 19. [2] See Appendix, note 20.

gence, and others were ruined by the extravagance of their members, so that numbers of persons had to support themselves by pursuits differing little from mendicancy. They wandered about the streets earning a meal by such trivial work as removing the fleas from a pet cat or dog, polishing rice-boilers, scrubbing cooking-boards, cleaning people's ears, telling fortunes, or displaying their proficiency in some slight accomplishment. There also came into existence a class of persons who earned a livelihood by ministering to the superstitions of the citizens, — worshipping for them by proxy, repeating incantations, or undertaking to make pilgrimages.[1]

The great merchants were not wanting in charity towards these indigent folk, but there is no evidence that they ever thought of making voluntary contributions to public purposes. The spirit that suggests such acts was checked by the danger of being required at any moment to find large sums to meet deficiencies in the State revenue or to cover exceptional official outlays.

Thus it appears that the ambition of a wealthy merchant in the capital of the *Shōguns* a hundred and fifty years ago was not merely to lavish gold on the appointments of his house, on his garden, on his clothes, and on his cuisine, but also to make dazzling displays at the theatre, on festival occasions or even in the prostitute quarter. It is recorded of one commercial magnate (Kinoku-

[1] See Appendix, note 21.

mi-ya) that he caused the floor-mats in his house to be resurfaced for each new party of guests, — which is as though a Western householder should lay fresh carpets for every entertainment, — and of another that he spent thousands of pieces of gold, in other words, thousands of pounds, on the occasion of a visit to the haunt of the Phrynes. A great Osaka merchant (Ibaraki-ya Kosai) actually built for himself a mansion in Yedo, that he might compete with these magnificent spendthrifts on their own ground; and Nakamura Kuranosuke of Kyōtō became equally famous for reckless extravagance. Umaya-gashi in the Asakusa district of Yedo was the Eldorado of the capital, and from that quarter the middle classes took their models of fashion and finery. The merchants of Umaya-gashi had an easy road to riches. Through their hands passed the rice allotted for the maintenance of the *samurai*; and the latter, studiously indifferent about money matters and perpetually impecunious, made improvident drafts in advance on their incomes, and so fell an easy prey to the shrewd tradesmen. Concerning one of these Asakusa merchants, it is related that on his luncheon alone he spent as much as the total revenue of a *samwrai* with five hundred *koku* of rice (about as many pounds sterling), a sum which may not seem remarkably extravagant until one remembers that a family of the lower middle class could live comfortably at that time on an income of thirty shillings a month.

Naturally the munificent expenditure of these tradesmen gradually rendered them objects of much greater interest to the citizen at large than was the austere figure of the old *samurai* with his empty pockets and his pride of poverty. In the days when the profession of arms derived *éclat* from constant occasions to exercise it, the merchant's highest ambition was to wear a sword, to be mistaken for a soldier, and to give his daughter to be the wife of a *samurai*. But now, finding himself the *samurai's* creditor, he conceived a new idea of his own importance. He set the fashion, and the *samurai* adopted it. In the first century of the Tokugawa epoch, commoners alone went to a theatre or listened to a *jōruri*, and only a commoner's wife or daughter learned to play the *samisen*. The *samurai's* amusement was to listen to annals of fighting and heroism, to judge the merits of a sword, to attend to ceremonials, or to witness the dancing of the *Nō*, and a lady of the *samurai* class played the *koto* or occupied herself with needlework. But in the early part of the eighteenth century, a *jōruri* expert (Miyakoji Bungo) came to Yedo from Kyōtō, and sang love dramas with so sweet a voice and to such tender music that he created a *furorė* in the Tokugawa capital. All classes went to hear him, and noble ladies, laying aside their *koto* and their needle, took up the *samisen*, and employed maidservants that could play it or dance to its sounds. At first there was question only of

attending the performances of professionals. But soon wives and daughters of merchants began to take lessons, and presently it became fashionable for teachers of *jōruri* to organise periodical *réunions* at which their pupils performed and the latter's parents, relatives, and friends attended. These meetings passed into occasions for displays of rich costumes and for banquets on an extravagant scale. The *samurai* were drawn into the vortex, and Yedo became as fully engrossed with these musical romances as Kyōtō had been with the more refined pastime of couplet composing during the Fujiwara epoch. Fashion suggested that private citizens should imitate the costumes and *coiffures* of professional *jōruri* singers, and from this extravagance men and women soon passed to copying the style of actors and even of the *demi-monde*. The *samurai* became an effeminate dandy. He bestowed minute attention on his hair and his garments, and considered the furniture of his sword more important than the quality of the blade. Objects hitherto disregarded began to receive special æsthetic study. The clasp of the girdle, the pipe and its case, the tobacco-pouch with its ornaments and appendages of metal or ivory, the pocket-book of rare and costly material, — on all these things the whole resources and ingenuity of applied art were lavished. Rich lacquer utensils, highly ornamented bronzes, censers and vases of silver, *shibuichi*, *shakudo* or gold, fine porcelains and faiences,

novels illustrated with prints and chromoxylographs of remarkable technical and artistic merit, together with many other objects of beauty and luxury, were added to the life of the people. The *samurai*, who had been demoralised by a sudden access of fictitious wealth at the close of the seventeenth century, owing to currency debasement, felt the pressure of subsequent poverty with increased sharpness, and having recourse to the merchant class for assistance, forfeited the respect he had hitherto received from the latter. Rich farmers and tradesmen began to pay large sums for having their sons adopted into *samurai* families, an abuse which continued until the *Meiji* era, and marriages between the daughters of commoners and the sons of patricians became essentially pecuniary arrangements.

On the other hand, there are abundant proofs that throughout the Tokugawa epoch strenuous efforts were made by the Government to check the growth of luxury. Official zeal differed in degree from time to time, but the general tendency was uniform. It is true that no monopoly of such legislation can be claimed for the Tokugawa. The Hōjō and even the Ashikaga issued enactments against extravagance, and the *Taikō* not only directed vetoes against the embroidered and silk-lined leather breeches and socks fashionable in his time, and against the use of sedan-chairs by any except the aged or the sick, but even sought to introduce some kind of order

into extra-marital relations by a general interdict against the keeping of many concubines, and subsequently by an explicit command that however wealthy a man might be his concubines must not exceed two. In that particular region of immorality the Tokugawa rulers never attempted to effect any reforms: it would have been necessary for them to begin by remodelling their own establishments. But for the rest their statutes indicate that legislative attention was vigorously directed to the restraint of extravagance. Sometimes the capriciousness of fashion appears to have influenced law-makers themselves; as when, in the time of Iyemitsu, certain methods of hairdressing were proscribed, and the wearing of beards was forbidden under penalty of imprisonment together with fines varying from £3 to £5; or when (1688) an edict denounced the use of garments having a design of cranes woven or dyed on them, or the adoption of names in which the ideograph *tsuru* (crane) occurred. But in general the spirit informing the sumptuary regulations of the era was essentially economical. Thus the number of servants in a *samurai's* family was limited to one if the employer's yearly income did not exceed the equivalent of £400, and to ten in a household with an income not greater than £4,800. Peasants were forbidden (1628) to have any material but cotton in their clothing, though their wives as well as the headman of a village might wear pongee, and ordinary *samurai*

must not use damask or brocade. In 1685, the law interdicted the making of any costly utensil gilded, embroidered, or lacquered, even though the order were given by a *samurai*, and merchants must not have saddles ornamented with gold lacquer or embroidery. Even in such matters as the puppets for the boys' and girls' festivals, toy bows and arrows set up at New Year for driving off evil spirits, and the battledore and shuttlecock of spring, gold foil might not enter into the decoration. By and by legislators went a step farther; they enacted (1663) that to be in financial difficulties should thenceforth be regarded as a crime. Then the growing opulence of the farmer evoked (1668) an injunction that he must be more frugal, must eat grain inferior to rice, must inhabit a house only just large enough for his needs, must wear the cheapest clothes, and must avoid all sorts of amusement and comfort. When it proved impossible to command the full compliance of rich men themselves, the authorities sought to effect their purpose through the working classes, and contractors, carpenters, and masons were forbidden to undertake any building exceeding a certain scale of dimensions. In 1683, costly *inrō* (medicine boxes) and other trinkets were declared unlawful; sign-boards were not to be ornamented with gold, silver, or lacquer, nor might tradesmen possess screens decorated with gold or silver. At the close of the eighteenth century the administration went so far as to in-

struct the police to arrest any one wearing fine garments in the streets, and to order that mercers should be heavily fined if they sold a robe exceeding £10 in value. Drunkenness was not treated even as a misdemeanour, yet minute regulations were framed (1716) as to the quantity of *sake* allowed at an official banquet, high dignitaries being limited to three cups and those of inferior rank to two. So, too, as to food. Whatever a man's rank, he might not lawfully have more than two kinds of soup and six of other eatables at his ordinary meals, and inmates of the Council Chamber were served with two kinds of soup and five of fish, the *menu* being gradually reduced for lesser officials to one soup and one dish of fish. In 1713 the law directed that even for a lady of the *Shōgun's* household no dress must cost more than £8, the maximum in the case of a nobleman's wife or daughter being £6, and for a lady of lesser rank, £4. Girdles, sedan-chairs, travelling trunks, robe-chests,[1] wadded quilts, household furniture, — everything became the subject of restraining legislation. In 1743 the sale or manufacture of combs or hairpins ornamented with gold or gold lacquer in relief was strictly interdicted, and shortly afterwards the law forbade the construction or purchase of new villas by *samurai*, even feudal chiefs being directed not to have more than two detached seats, except in the case of buildings already

[1] See Appendix, note 22.

MERCHANT'S STORE AND FIREPROOF WAREHOUSE; YEDO EPOCH.

erected. Still, as time passed, the luxurious tendency of the age defied these restraints, and the laws became more and more stringent. From the close of the eighteenth century to the middle of the nineteenth, legislation was of such a nature that it checked progress for the sake of inculcating thrift. In 1790 a veto was imposed on the sale of single-sheet chromoxylographs, which had now become very beautiful and correspondingly expensive; and presently officials set limits to the number of blocks used in manufacturing coloured prints, which were then a *chef-d'œuvre* of Japanese artists. The sale of costly flower-pots; the use of large flags and numerous lanterns at festivals; advertising displays by medicine-venders, restaurant-keepers, and fruiterers; the manufacture of crepe ornaments for woman's hair; expensive funerals; the wearing of mourning by any except near relatives; the sending of hot-house vegetables to market; the making of any toy more expensive than fourpence, — all these things were forbidden during the first forty years of the nineteenth century. In 1842 a most arbitrary measure was taken. It was proclaimed that all merchants in possession of gold or silver ware in contravention of the regulations must carry it at once to the mint for exchange, the duty of enforcing the order being entrusted to district headmen. The result is said to have been the surrender of quantities of women's

ornaments and household utensils, beautiful works of art which were all thrown into the melting-pot. Incidentally these sumptuary laws convey information as to the remuneration of servants, for a regulation of 1843 fixed the maximum yearly wage of a manservant at £3, and that of a female servant at £2, and directed that these limits must not be passed even by mutual consent.

Many of these singular laws were certainly inspired by a tendency on the people's part to carry special fashions to extravagant excess, though history is not sufficiently accurate to indicate clearly the connection of cause and effect. There seems to be in the character of the Japanese a proneness to run to extremes in matters of sentiment or fancy despite their habit of moderation and compromise in affairs of reason or interest. In 1842 they began to buy plants in pots so eagerly that the authorities put a limit of £3 on the price of such objects. Ten years later, there was such admiration for the *Rhodia Japonica* that shows were organised and competitive sales arranged, until once more the law stepped in, vetoing all cultivation of the plant except for purposes of amusement. During the *Meiji* era, too, similar fantasies had vogue: rabbits, pigs, roses, and orchids succeeded one another as objects of popular esteem, each being the rage for a season. It was not uncommon to see a Yorkshire sow, a pair of lop-eared rabbits, or a

"gloire de Dijon" rose sold for any amount from a hundred to three hundred pounds. The Government had to interfere in every case by means of prohibitive taxes. But nothing illustrates more forcibly the difference between past and present Japan than the fact that of the innumerable sumptuary statutes and regulations of the Tokugawa epoch not one remains in force to-day. A nation which, thirty-five years ago, could not eat a meal, ride in a public conveyance, or wear a garment without considering whether the law would be offended, is now absolutely free from every restraint of the kind, and does not seem to find the liberty injurious. The history of Japan's swift transition from the old civilisation to the new has furnished illustrations of many theories, but nothing has been more marked than the lesson it teaches as to the futility and needlessness of paternal legislation.

There are many facts to be noted with regard to means of communication, changes of costume, forms of entertainment, and so on during the Tokugawa epoch. At a very early period of the era the use of ox carriages passed out of fashion for ordinary purposes of locomotion. They were still employed at festivals or on the rare occasions when the Emperor or Empress went abroad, but among the upper classes and the people in general their place was taken by palanquins. Of these there were four varieties, two of them, called *nori-mono* (things for riding), being elabo-

rately constructed of costly materials, and two, called *kago*, being much simpler. All were carried on men's shoulders, and the bearers were trained to walk so that the motion of the legs did not communicate itself to the upper part of the body. The commonest form of *kago*, which served for long-distance journeys, was constructed entirely of bamboo and borne by a special class of coolies to whom, in consideration of their vagabond and lawless habits, people gave the name *kumosuke* (cloud-fellows). These men showed wonderful powers of endurance. The pressure of the angular *kago*-pole on their bare shoulders seemed to cause them no inconvenience, and they would easily walk twenty or thirty miles daily carrying between two of them a *kago* and its inmate. Their feats in that respect do not apparently bear comparison with those of the modern *jinrikisha* coolie, who will run from fifty to eighty miles in twenty-four hours without exhibiting any distress. But *kago*-bearing was far more arduous than *jinrikisha*-pulling, for in the former case the whole weight of the rider and of the vehicle had to be supported by the bearers, whereas in the latter it rests on the wheels. In either case, however, the performances of these men are quite beyond the capacity of the meat-eating Occidental. The question of diet, indeed, seems to be vital. Dr. E. Baelz, an eminent physician, whose authority on such matters is conclusive, says that rice is specially adapted to

sustain a man during violent exercise, since it is only by his profound inhalations under such circumstances that oxygen is supplied to the stomach in sufficient quantities for the digestion of the grain. The same consideration explains the gastric disorders from which the upper classes in Japan suffer; their sedentary habits render a rice diet particularly indigestible.

The *kago* is indirectly responsible for a considerable growth of the tattooing habit in Japan. A strange conception that prevails in Europe and America about the attitude of the Japanese towards tattooing is illustrated by the fact that a large percentage of the European and American gentlemen visiting Japan get themselves tattooed. But no Japanese gentleman is ever tattooed. Such a thing was never heard of. And the same is true of the Japanese peasant, the Japanese merchant, the Japanese artisan, the Japanese fisherman, and even the Japanese mendicant. Tattooing is nothing more or less than a substitute for clothing; and its use is consequently confined to men whose arduous labour requires them to strip their bodies, and who, while so stripped, come under the observation of the better classes. These conditions were essentially fulfilled in the case of the *betto* (groom) that ran before his master's horse, and, above all, in that of the *kumosuke* that carried a *kago*. Parts of the body visible under ordinary circumstances — as the face, the hands, and the legs below the knee

— were never tattooed. The tattooer took for model a sleeveless tunic that covered the back, the bosom, the shoulders, the thighs, and perhaps the arms above the elbow, and the person tattooed was invited to select the pattern. It follows that tattooing has always been considered a mark of extreme vulgarity in Japan. Yet the Japanese are probably the most skilled tattooers in the world.

To keep one's own carriage is counted a presumptive proof of opulence in the West, but in Japan during the seventeenth century there was no presumption about the circumstances of a man seen riding in a *norimono;* the law required that he should be possessed of an income of at least ten thousand pounds annually. At first even the least ostentatious form of *kago* might not be employed except by persons of rank, physicians, old folks, or invalids. But of course such a distinction could not be permanently enforced, and from the middle of the eighteenth century a *norimono* or *kago* ceased to indicate its rider's social status, and became, like the carriage of the West, an index of his wealth. Rich lovers of ostentation spent great sums to have their sedan-chairs decorated with gold lacquer, and men of æsthetic tastes employed renowned artists to paint the interior panels of the vehicle, which thus became an object of great beauty.

The hand-cart for transporting goods is generally regarded as an ancient institution in Japan,

but in truth it did not come into existence until the second half of the seventeenth century, and nothing is known as to its origin. Its capacities were quickly appreciated, and gradually the onerous task of drawing it produced a class of men broad-shouldered and heavy-thewed, who rank next to wrestlers in Japan's athletic scale. As to symmetry of muscular development the first place belongs to the seafaring population. Their method of standing erect when using a big two-handed scull, throws equal labour upon every muscle of the body, and results in types comparable with the galley-slaves of ancient Rome. But the drawer of the *ni-guruma* (goods-cart) is a more powerful man, though clumsier. It has been calculated that he accomplishes twice as much work as a horse in a given time, — the Japanese pony being, of course, the unit of comparison, — and his daily allowance of food is twice that of an ordinary adult.

The horse was not used for purposes of traction in Tokugawa times. His first employment in that capacity dates from the beginning of the *Meiji* era. It is remarkable how unprogressive the Japanese showed themselves in the matter of means of locomotion. From the heavy, slow-moving ox-carriage they might have been expected to pass quickly to lighter vehicles drawn by horses. But they never made the change until carriages were imported from Europe in modern times. Perhaps for that reason their manner of constructing

wheels did not undergo any alteration from century to century. Not only were axles of wood, but the felloes also were not shod with metal, and, the rim being very narrow, a heavily laden cart cut deeply into the surface of the road. More unfavourable conditions for traction could scarcely have been devised. They may be seen in China also to-day, and the explanation is that in both countries alike what the people wanted was a vehicle that could traverse ruts and holes rather than one that could move rapidly.

It will be inferred that the roads were bad. The Japanese never discovered how to make them good. That failure is largely ascribable to the fact that from a military point of view roads were invested with a double character, that of means of access and that of obstacles to accessibility. The Tokugawa *Shōguns* and the territorial nobles took care that the highways leading to their capitals should cross steep defiles and bridgeless rivers where all passage might be barred by a small force. Thus one of the main thoroughfares from Kyōtō to Yedo was led over the Hakone pass, the other over the Usui; and any one attempting to take a circuitous route so as to avoid the guardhouses at either of these precipitous places was liable to be crucified. Great rivers like the Oi, the Tenryu, the Fuji, and the Rokugo, served similarly to control traffic. They were never bridged, and travellers had to cross by ferry-boats or to be carried over on the shoul-

ders of coolies, being subjected in either case to strict official supervision. Injunctions to keep the roads in repair were constantly issued to the people living near them; but as no official aid was given, the farmers naturally avoided expenditure and confined themselves to essentially superficial methods. Credit belongs to the Tokugawa, however, for organising a regular transport service between Yedo and Kyōtō. From the very commencement of the seventeenth century a scale of charges for coolies and pack-horses was fixed by law, — one penny farthing, approximately, per *ri* (two and a half miles) for a pack-horse carrying a load of three hundred and seventy-five pounds, and one-half of that remuneration for the driver; and the same sum (1¼ d. per *ri*) for a transport coolie. Stringent measures were adopted against overcharging. Any attempt of that nature exposed a coolie to fifty days' imprisonment, the headman of his village to a fine of thirty shillings, and every inhabitant of his ward to a fine of sevenpence. On the main roads converging to Yedo — the Tokaidō, which lay along the eastern seacoast; the Nakasendō, which passed through the mountainous interior; the Kōshiu-kaidō, which communicated with Kōfu; and the Oshiu-kaidō, leading northward — traffic became very heavy in consequence of the frequent passing of feudal chiefs and their great retinues to and from Yedo. By these nobles the horses and coolies along the route were requisitioned in

large numbers, and as the service was very unpopular, the Government had to organise a regular system (1694), making all villages within five miles of the line of route generally responsible for the maintenance of a certain number of transport men and animals, and villages not more remote than twenty-five miles for a smaller number on exceptional occasions. The agricultural classes found this duty very onerous, and were generally glad to commute it for a fixed payment, which is said to have amounted in some cases to the total of the taxes otherwise levied. Fifty-three stations were established along the Tōkaidō between Yedo and Kyōtō, sixty-nine along the Nakasendo; and the journey by the former road occupied ten days, that by the latter twelve. The distance by the Tōkaidō being three hundred and thirty miles, it is seen that the rate of progress was thirty-three miles a day, and the average interval between the stations six and a quarter miles. It must be understood that this transport system was intended for the benefit of the *samurai* class only: if a commoner wanted horses or coolies, he had to hire them as best he could. In the case of *samurai*, however, a regular scale existed for determining the number of men and animals that a traveller might demand at a station. He received an officially signed order for that number before setting out on his journey, and it was notified that the people might refuse to comply with

any requisition in excess of the fixed limit. Further protection was extended to the peasants by enactments in 1625 and subsequently, to the effect that a horse's load must never weigh more than three hundred and twenty-nine pounds — it had previously been three hundred and seventy-five pounds — or a coolie's more than forty-one and two-thirds pounds.

Another effect produced by this greatly increased traffic was the establishment of properly equipped inns along the chief highways. Up to the first quarter of the seventeenth century, there existed only rude hostelries where the traveller was furnished with fuel to cook his meals and with a place to sleep. He carried his own stock of rice and his own bedding, such as it might be. But now the inns undertook to supply rice as well as fuel; and presently they became properly equipped hotels where a wayfarer found every provision for his comfort, — a warm bath, excellent and even dainty food, and bedding of wadded silk. Road-side rests also were erected, where hot tea, mulled wine, and cakes were always procurable. These changes were effected with remarkable rapidity, and almost simultaneously inns in districts where competition prevailed began to adopt a very practical system of advertising, first by sending out male touts along the roads, and afterwards by employing maidservants to lay hands on passers-by and hale them forcibly to the entertainment awaiting them within. Travelling thus became

comparatively easy, but by no means safe. *Kago*-bearers and baggage-coolies often despoiled unarmed wayfarers, and innkeepers acted in collusion with the thieves. Sometimes commoners obtained immunity by disguising themselves as *samurai* and carrying a sword, but, on the other hand, such a device exposed them to official penalties. On the whole, however, travelling in Japan in the seventeenth and eighteenth centuries was less perilous than travelling in Europe at the same epoch.

Under the auspices of the Tokugawa *Shōguns* was established the first regular postal system in Japan. At the outset it was limited to official uses. Men in uniform wearing two swords started at regular intervals from Yedo and Kyōtō travelling *viâ* Osaka. In 1663 this example found imitators among the business-men in the three cities: they organised a service of runners, performing the journey three times a month. Arriving at their destination, these men's habit was to expose upon a piece of matting in the open air the letters they had carried in order that the addressees might come to claim them.

The reverential attitude required of the people during the passage of a feudal chief and his retinue has already been mentioned. At no time was the etiquette in such matters stricter than in the Tokugawa epoch. Iyemitsu (1623–1650), the most imperious of all the *Shoguns*, required every house to be closed in the streets or highways

where he passed, all fires to be extinguished, a large vessel of water to be placed before the gate of each building, fresh sand to be strewn on the road, and dogs and cats to be confined. Tsunayoshi (1680–1709), whose hysterical superstitions have been described in a previous chapter, dispensed with the rule about dogs and cats, but retained all the other ceremonies. On occasions of ordinary progresses the *Shōgun's* retinue was divided into forty-one groups, each composed of a fixed number of officers, men-at-arms, bearers of various weapons, banners, armour-chests, robe-boxes, umbrellas, chairs, tea and luncheon utensils, and other matters, and three steeds were led each by two grooms. But on special occasions, as a journey to Nikkō or Kyōtō, the retinue assumed very large dimensions, the feudal chiefs being obliged to contribute soldiers equal to one-half of the number for which they were liable in time of war. These processions and those of the great territorial nobles were splendid and imposing spectacles. They were observed by thousands of persons, though every spectator had to kneel with bowed head at the moment of the great personage's passing, and they contributed materially to the prosperity of the inns and stations along the main roads.

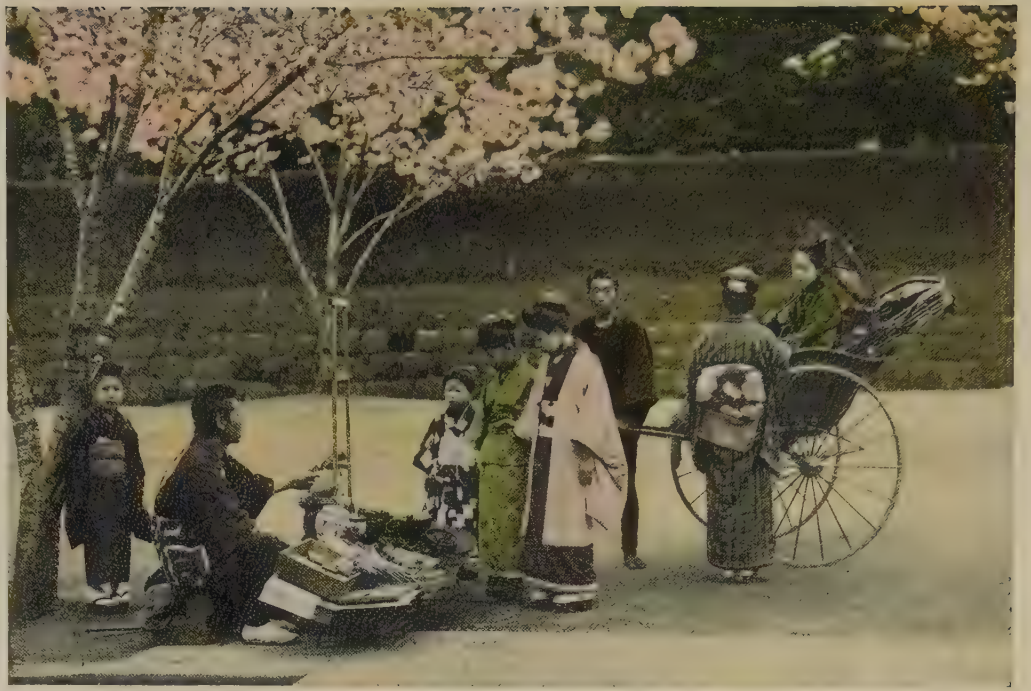
The reader is already familiar with the fact that in order to check foreign intercourse the third Tokugawa *Shōgun*, Iyemitsu, interdicted the building of any vessel over one hundred and

seventy tons, and further imposed a method of construction which effectually prevented distant voyages. An interesting conception of the methods of naval architecture followed in his time may be gathered from a coast-defence vessel called the *Ataka Maru*, which he caused to be placed in Yedo Bay. She measured one hundred and eighty-six feet in length; had three decks, the uppermost carrying a species of conning tower and surrounded with pennons and streamers; was without sails or sculls of her own, the intention being to tow her with row-boats, and on the whole showed singular ignorance of the requirements of a fighting machine. Proving quite unmanageable, she had to be broken up ultimately. It is inconceivable that the Japanese, who for years have been navigating distant seas and had acquired some knowledge of foreign ship-building from the British pilot Will Adams, should have been unable to construct a more serviceable war-vessel. Probably the *Ataka Maru* should be regarded as a freak of some naval constructor rather than as a type of the best battle-ship of her time. But she had no successors. After her destruction the Tokugawa remained without any pretence of a navy. The trading junk of the era, as modified in obedience to official instructions, was as little capable of navigating the high seas as the *Ataka Maru* was of fighting. Her stern, standing high out of the water, carried a kind of pavilion; her bow supported an open cabin accom-

modating several passengers, and her very low bulwarks made it impossible that she could live in a high sea. These junks, or a modified form of them, nevertheless plied regularly between Osaka and Yedo from the middle of the seventeenth century, hugging the shore and carrying cargo at the rate of about four shillings per six tons. Of pleasure-boats there were several types. The most aristocratic had a roof stretching over the whole deck except at the stem and the stern. The space under the roof was covered with mats and otherwise fitted like a Japanese chamber, and was divided by a partition of sliding doors, so that the servants accompanying a party of pleasure-seekers could sit separately. All these boats were similarly propelled by means of one or two long oars which, balanced on a pivot, were thrust into the water from the stern and worked by a man standing. It need scarcely be said that the Tokugawa Government, which endeavoured so strenuously to check extravagance in matters of every-day life, did not fail to extend its supervision to pleasure-boats. Regulations were issued from time to time limiting their number or curtailing their dimensions, and legislation proved more effective in this case than in many others.

Throughout the Tokugawa era the increase of luxurious habits was reflected in the people's costumes; they grew constantly more elaborate and costly in spite of stringent sumptuary laws enacted with almost pathetic pertinacity by *Shōgun* after

Shōgun. The Yedo Court itself did not generally set a bad example. It never fell into the extravagance that disgraced Kyōtō during the days of the Fujiwara. It is true that there were many rules for regulating the colours and materials of men's raiment, the tying of their breast-knots, the shapes of their hats, the nature of their fans and shoes, the varieties of garb to be used at the different seasons, and the number of badges that might be dyed on outer garments. But these were points of etiquette rather than of elaboration, and the resulting costume, though eminently unsuited for active exercise, was picturesque and in no sense gaudy or gorgeous. In the case of the Court ladies no such rules were officially framed, but habit asserted itself with all the force of law. The Kyōtō fashion of multiple suits telescoping into each other found no favour. Even in winter a Yedo lady wore only six garments, — a strip of linen or silk around the waist and hanging a little below the knees; over that three gowns of white stuff; then a crepe garment, tied with a narrow girdle, and finally a mantle (*uchikake*), which hung free from the shoulders to the ground and was richly embroidered or curiously woven. Only on the first three days of the year did this fashion vary; the number of gowns increased to eight, supplemented by a pair of crimson silk trousers trailing far behind the feet. As to materials they varied with the season, but it was *de rigueur* that a complete change of clothes must be made thrice



on ordinary days and five times on each of the first three days of the year. The eyebrows were shaved and artificially replaced by various forms, as the "crescent moon," the "cloud-dividing," the "heavenly," and the "natural." These fashions remained inviolate at the Court throughout the Tokugawa era, the only changes being in the coiffure and in hair-ornaments. But there was no such immutability in the costumes of the *samurai* and the commoner, which, for the rest, resembled each other closely in the early part of the epoch, since tradesmen and artisans, being imbued with the martial spirit of the time, modelled themselves in every respect on the soldier. From the beginning of the military era, a *samurai's* coiffure was dictated by his helmet, the heat and weight of which compelled him to shave the pate and tie his remaining hair into a queue. This queue began to display fashionable caprices in Tokugawa times. Instead of being small and unpretentious, it became either thick and quaintly twisted or ostentatiously thin. In other matters of personal adornment also the tendency of the time found expression. A *samurai*, in the early part of the epoch, prided himself on having a thick beard, and took such care of it that a pair of tweezers had to be furnished with the tobacco-box to every male visitor in fashionable houses. The commoner, also, when he walked abroad adorned himself with a false beard and moustache.[1] As to

[1] See Appendix, note 23.

garments, the *samurai* objected to baggy sleeves and long robes, except for boys; wore leather trousers and leather socks; no longer blackened his teeth, and generally went with uncovered head, though occasionally he wore a straw hat which effectually concealed his features from the mouth upwards, or bound a kerchief round his head. It was his pride when he walked or rode abroad to be followed by a retainer carrying his spear, and upon the garb and appearance of this man much attention was bestowed. By and by, trifling differences in style of coiffure or in the manner of thrusting the swords into the girdle began to attract attention inconsistent with a spirit of true simplicity. Men devised rebuses which they caused to be embroidered on their surcoats or picked out with metal — as when a sickle (*kama*), a circle (*wa*), and the character *nu* were combined to suggest the word *kamawanu* (do not care), and thus to indicate the wearer's indifference to his surroundings. Such paltry conceits preluded decadence of the nation's martial mood. Beards and moustaches, which the Government had once vainly tried to abolish, went out of fashion, and by the end of the seventeenth century, when debauchery made the *Genroku* era notorious, men were found powdering their faces as the gallants of Kyōtō had done in old time, increasing the dimensions of their garments laterally as well as vertically, and wearing trousers and socks of silk instead of leather.[1]

[1] See Appendix, note 24.

Female costume showed its most remarkable variations in the matter of the coiffure and the girdle. At the beginning of the Tokugawa epoch there was a total absence of hair ornaments, and even after the old fashion of flowing locks had begun to be exchanged for structures of curious or picturesque shape built up with pads and false hair, no embellishment was added except a strip of ribbon or paper. But very soon the services of combs and hairpins were requisitioned, one notable innovation being a *kogai* thrust horizontally through the back hair, which was partially wound about it. It appears that the use of combs and hairpins was inaugurated by *danseuses* and *filles de joie* at the end of the seventeenth century, and that "professional styles" were all in vogue at that time. As for the girdle, it had not existed at all in old times, and at the beginning of the Tokugawa era its most elaborate form was a thick silk cord looped behind and hanging almost to the heels. This was replaced by a simply knotted silk belt, which gradually grew wider and longer, until it attained a breadth of over a foot and a length of thirteen feet, and instead of being passed once round the body, was wound in several plies from the breast to the hips, and tied in a knot which itself became an object of inventive ingenuity. On the eyebrows great care was bestowed. From a long list of shapes a young lady might choose whichever suited her style of beauty, from the eyebrow of the night-

ingale, or of forgetfulness, or of the morning mist, to that of the wistaria or the crescent moon. Indian ink was used to eke out shapes which could not be completed by means of the natural hair alone. When a woman married, however, these vanities passed out of her life; she blackened her teeth and shaved her eyebrows. Rouging the cheeks, gilding a portion of the under lip, and imparting a blush to the nails were among the cares of the toilet, and a writer at the end of the seventeenth century enumerated sixteen articles required by a lady for making up her face and coiffure alone, — a number which increased to twenty by the middle of the eighteenth century. Simultaneously with these changes the fashionable lady lengthened her sleeves till they fell far below the knee, and suspended from them a tiny bell which tinkled as she walked. In her girdle she carried a bag of perfume as well as a little looking-glass, a comb, some rouge and some face powder, and whenever a rude air of heaven had assailed her, she seized the first tranquil moment to restore the symmetry of her coiffure and the graces of her face. It had been her strict rule never to allow any portion of the body to be seen as she walked abroad, her head enveloped in a species of veil and an attendant holding a long umbrella over her. But now when the Phrynes of the city began to walk without socks and to expose their ankles, respectable ladies followed their example, and did not hesitate to borrow

new styles of girdle knot from the "male prostitute," who then played a prominent part in society, or novel fashions of head-gear from actors. There is on record a story of two rival belles at the close of the seventeenth century whose husbands, rich merchants of Kyōtō and Yedo, did not limit the funds their wives devoted to a competition of finery. Mrs. Rokubei arriving in Kyōtō from Yedo, Mrs. Juyemon donned a robe of crimson satin having all the celebrated scenes of Kyōtō embroidered on it, and Mrs. Rokubei's reply was to walk about in a gown of black silk ornamented with a design of *naruten* (*nandina domestica*), every berry a bead of the finest coral. The fate of the Rokubei family illustrates the ways of the era. Standing, a gorgeously apparelled group, as the *Shōgun* Tsunayoshi visited a Kyōtō temple, their parade of luxury provoked official displeasure, and Rokubei's property was confiscated, he himself being sent into exile. This sharp lesson had no permanently deterrent effect. Ladies continued to have the finest stuffs dyed in one of the fifty-nine fashionable colours of the time; wore richly lacquered pattens; multiplied the fifteen styles of front hair and the twelve of back hair already recognised by society;[1] spent scores of gold pieces on hairpins; had combs manufactured out of the choicest parts of several tortoise-shells so as to show the most delicate shade of pale yellow;

[1] See Appendix, note 25.

devised new methods of knotting the girdle, and showed themselves sensible in one thing only, the abandonment of rouge for the cheeks. There is a tribute to be paid to Japanese female costume, however. In all ages it has been eminently refined. No staring colours or glittering jewels were ever tolerated in any but the very young. Up to eleven or twelve years of age garments of bright hue and hair ornaments of elaborate shapes were permitted, though anything like garishness or discord of tints was carefully avoided. But beyond that age, however rich or costly the garments, they were invariably characterised by sobriety, softness, and harmony. Above all, society never tolerated for a moment the solecism of an old lady wearing youthful clothes. Such a thing was not seen in any era. Spinsters aping the show and the simper of girlhood were unrepresented in Japan. Every age had its appropriate raiment, and every age wore it frankly. It is probably correct to say that no women of any nation dressed with better taste and less pretension than Japanese women did after the unshapely bulk of ancient Court costumes had been replaced by the graceful garments of the Tokugawa epoch. The Japanese garb has another merit also: materials may be expensive, but the gown and the girdle often outlast their wearer's lifetime and are even transmitted to her daughter. Fashion changes so little that what is appropriate in one generation may generally be worn in the

next. Yet when it is claimed that age does not simulate youth in the matter of apparel, it must also be admitted that many women and some men dye their hair. Thousands of boxes of a peculiarly convenient powder, an import from the West, are now sold in the cities and provinces, having, for the most part, taken the place of herb decoctions that used to simmer, once a month, on the braziers of old Japan. Still there is not one user of the cheap foreign powder or the home-made native paste that will profess an age below the truth or dress so as to suggest it. The concealment of time's touches is a purely objective act of politeness, a concession to appearances. Sanemori blackened his hair nine centuries ago lest youths should hesitate to cross swords with him in battle, and if Japanese women and men sometimes hide premature streaks of silver, it is chiefly because such things, in the one case, obtrude unpleasantly upon the observation of friends and acquaintances, and, in the other, suggest incapacity for active employment.

Chapter VI

MEIJI, OR THE ERA OF "ENLIGHTENED GOVERNMENT"

I — HISTORY

IT has been shown in previous chapters that the restoration of the Throne's direct administration was the ultimate purpose of the revolution which involved the fall of the Tokugawa Shogunate. But though imperialistic in its aim, the revolution may be described as democratic with regard to the personnel of its most active agents. The people indeed — that is to say, the people in the Occidental sense of the term, the mercantile, the manufacturing, and the agricultural classes — had no share in shaping the event. Their position as a part of the body politic underwent great improvement during the last two centuries of Tokugawa rule, but they nevertheless remained without spirit to assert or strength to enforce their right to a voice in the direction of State affairs. The term "democratic" is here used, therefore, in the sense that whereas all the great political vicissitudes of previous eras had been planned in the interests of some aristocratic family or eminent

leader, and had been consummated by the former's kinsmen or the latter's adherents, the men that conceived and achieved the revolution of 1867 were chiefly *samurai* of inferior grade, without official rank or social standing. When the whole list of these agents is compiled, it is found to contain fifty-five names altogether, and among them are only thirteen aristocrats; that is to say, five territorial feudatories and eight court nobles. Nor can any of the five feudatories be said to have acted a prominent part in the movement, while of the eight nobles two alone — Iwakura and Sanjo — exercised a sensible influence on its result. The forty-two men whose spirit informed the revolution, and whose hands carried it to completion, were young *samurai* who, however patriotic may have been the theories they professed, must be supposed to have been largely swayed by the promptings of personal ambition. The average age of the whole fifty-five did not exceed thirty years.

But if the precedents of history were thus violated in the main, its continuity was preserved in one important respect: the Satsuma clan originally promoted the revolution, not with the intention of restoring the direct sway of the Sovereign, but with the hope of substituting for the Tokugawa administration that of their own chiefs, the Shimazu family. Satsuma had never really bowed to the authority of Yedo. If in dark days of the Tokugawa fortunes there were

moments when the great southern clan showed a disposition to assist the Shogunate, it seems certain that the motive of the *rapprochement* was to gain the position of residuary legatee for Satsuma rather than to secure a new lease of life for Tokugawa. Doubtless some injustice would be done to the Satsuma leaders were they all included in this verdict. A few of them clearly understood that the very existence of their country in the greatly altered conditions of the time depended upon abolition of the dual system of government and unification of the nation under one sovereign. By these men, too, the councils of the clan were ultimately swayed. It may be confidently asserted, however, that the majority of their comrades originally saw in the sequel of the revolution a Satsuma Shogunate, not an Imperial administration, and that they laboured, not for the fall of military feudalism, but for its continuance under a new head. They had ostensibly abandoned that ambition before they cemented with Choshiu the alliance which assured the success of the revolution. But the sincerity of their reformed mood remained open to suspicion, and an important result is attributable to the fact. For this suspicion operated so strongly with the leaders of the revolution that, in order to provide a safeguard against all self-seeking aspirations on the part of any one clan, they asked the Emperor to publicly register a solemn oath that a broadly based deliberative assembly should be convened

for the purpose of conducting State affairs in conformity with public opinion. The Emperor complied of course. A youth of sixteen, he did not think of exercising any discretion in opposition to the men that had restored him to power. It is certain that neither in the mind of His Majesty when he swore that oath nor in the hearts of his advisers when they framed it, did any conception exist of government by the people for the people. That construction grew out of events wholly unforeseen at the moment. But it is equally certain that had not the advocates of parliamentary institutions been able, in later years, to derive a mandate from the somewhat ambiguous language of the Imperial oath, the success of their agitation would have been long deferred. Thus it results that in distrust of Satsuma's aspirations is to be sought the foundation of Japanese Constitutional Government.

The necessity of abolishing feudalism and mediatising the fiefs did not enter into the original programme of the revolutionary leaders. Their sole aim was to unify the nation and place it under one supreme ruler who should administer as well as govern. The fiefs might continue to exist under such a ruler, as they had existed under the Tokugawa *Shōguns*. But close examination of the problem soon showed how far the practical logic of national unification must lead. Looking for models in the pages of their country's annals, the reformers found that the genuine exercise of

Imperial authority had never co-existed with military feudalism, and they also discerned that, since the beginnings of trustworthy history, the only period of Practical Imperial Sovereignty had been the interval from the middle of the seventh century to the commencement of the eighth, when the great *Taikwa* and *Taihō* reforms were effected; when rulers of such eminence as Kōtoku, Tenchi, Temmu, and Mommu occupied the Throne, and when the Fujiwara usurpations had not commenced. Evidently suggestions for procedure must be taken from that epoch, and the most obvious of them was that a homogeneous and universally operative system of law should be substituted for the locally operative and somewhat heterogeneous systems of the various fiefs, and that the power of imposing taxes must be limited to the Emperor's exercise. Such measures signified the withdrawal of legislative and financial autonomy from the feudatories. It was a radical change. Each feudal chief had hitherto enjoyed the right of collecting the revenues of his fief and applying them to whatever purposes he desired, on the sole condition of maintaining a certain minimum force of soldiers for State service. He had also enjoyed the right of enacting and enforcing whatever laws he pleased, on the sole condition that disorder must be prevented in the territory over which he ruled. He had, in fact, been a local autocrat. Now, however, if the era of Imperial sovereignty was to be restored on the

old lines, the feudal chiefs must be deprived of those powers. The necessity was plain, but how could the feudatories be constrained to recognise it? No strength existed capable of coercing them. Each of the great political changes in Japan had hitherto been preceded by a war that culminated in the elevation of some clan to a position from which it could dictate terms to all the rest. There had been no corresponding sequence of events in the present case. No clan had asserted its right to replace the Tokugawa, nor would any such assertion have been tolerated by the other clans. The active authors of the revolution were a small band of *samurai* mainly without prestige or territorial influence, and though they might have had recourse to an Imperial mandate, it must have been evident to them that the issue of a mandate stripping the feudatories of their autocratic privileges when the means of enforcing it were obviously absent, would have been a reckless experiment. Thus, in a word, the leaders of the revolution found that their programme of national unification must be prosecuted by persuasion, not by compulsion. The exit they contrived from this dilemma is one of the most striking incidents of the revolutionary drama. They induced the feudal chiefs of Satsuma, Chōshiu, Tosa, and Hizen, now the four most powerful clans in the empire, to publicly surrender their fiefs to the sovereign, accompanying the surrender with a prayer for reorganisation under a uniform sys-

tem of law. The example thus set by the four great barons produced an epidemic of imitation. Out of the two hundred and seventy-six feudatories then borne on the feudal rôle, only seventeen failed to make a similar surrender.

A more picturesque incident could scarcely be conceived, nor one less consistent with the course that human experience would have anticipated. Here and there in the pages of history may be found names of men memorable for patriotic altruism, but nowhere can be found another instance of such a wholesale spirit of self-sacrifice as that displayed by the feudal chiefs of Japan. It is difficult to analyse the motives that swayed them. In the case of Shimazu, Daimyō of Satsuma, and Yodo, Daimyō of Tosa, the act must be frankly placed to the credit of noble patriotism. These were men of intellect and ambition. The exercise of power had been a reality to them, and the pain of surrendering it must have been correspondingly keen. But their coadjutors, the chiefs of Chōshiu and Hizen, obeyed the suggestions of their principal vassals with little if any appreciation of the probable cost of obedience. The same remark applies to all the other feudatories with rare exceptions. Long accustomed to abandon the management of their fiefs to seneschals and leading clansmen, they followed the familiar guidance at this crisis without serious thought of consequences. The great majority of them, indeed, were so little

conversant with practical issues that they had no capacity to understand the events of the time. No such explanation presents itself, however, in the case of the *samurai* of the various fiefs. The clan had always been the first object of their interest and fealty. Their honour was concerned in upholding it, and upon its preservation depended their means of livelihood. That these men should have quietly acquiesced in the surrender of legislative and financial autonomy by their chiefs, was very remarkable. An explanation has been sought in the suggestion that when the clansmen advised or endorsed a course seemingly so opposed to traditional principles and worldly wisdom, they obeyed the promptings of personal ambition, believing that they themselves would find greater opportunities and a wider field under the new regimen. Some such anticipation may not unreasonably be assumed, and was ultimately realised, in the case of the leading *samurai* of the four southern clans which led the movement. But no forecast of the kind can have been generally operative. The great bulk of the clansmen must have comprehended that to strip the clan of power was to relegate its vassals to comparative insignificance. Probably the true explanation is to be sought in a sphere of higher motives than those usually underlying human actions. The step taken by the four southern clans indicated a course in striking harmony with the spirit of the Restoration, — a course all the

more attractive in the eyes of the *samurai* since to adopt it involved a heavy sacrifice on the altar of loyalty to the Throne. It had so long been the *bushi's* habit to associate great deeds with some form of self-immolation that he had learned to regard the latter as a kind of finger-post to the former. There might have been some uncertainty about the initial step, but so soon as that was taken by the southern clans, their example acquired compelling force. History shows that the romantic element occupies a prominent place in Japanese character, and that the educated classes can always be led into feverish pursuit of an ideal which appeals to their sense of moral nobility. The atmosphere was full of loyalty and patriotism in 1869. The mood of the nation was exalted. Anyone hesitating, for plainly selfish reasons, to follow a course apparently essential to the new order of things and sanctioned by the example of the great southern clans, would have seemed to forfeit the right of calling himself a *samurai*.

Although there cannot have been any doubt now in the minds of the leaders of the revolutionary movement that they would not be able to stop short of the total abolition of feudalism, they appreciated that it would be necessary to advance cautiously towards a goal which still lay beyond the range of their followers' vision. They sought, therefore, to preserve the semblance of the old institution after its reality had ceased

to exist. Therefore, after the surrender of the autonomy of the fiefs, the feudatories were appointed to act as governors in the districts where they had formerly ruled, and the *samurai* were confirmed in their incomes and official positions. Each governor was to receive annually one-tenth of the revenue of the fief; the pay of the *samurai* and of the officials was to be taken from the same source, and the residue, if any, was to be passed into the treasury of the central Government. At the same time the distinction of "Court nobles" (*kuge*) and "military nobles" (*buke*) was abolished. There had been no such differentiation in ante-feudal days. To those days also the reformers went for models of ministerial organisation. They formed a government consisting of seven departments, — religion, home affairs, foreign affairs, finance, army and navy, justice and law, — and at its head they placed a premier, who must be an Imperial Prince, and a vice-premier, the Cabinet being assisted by a body of eighteen councillors, who, including in their ranks the most active spirits of the revolution, exercised great influence.

It is plain that what had been thus far accomplished towards the abolition of military feudalism was nominal in a large degree. The Throne had not recovered the power of either the purse or the sword, for although the fiefs (*han*) had been converted into prefectures (*ken*), their revenues continued to be collected and dis-

bursed by the former feudatories in their new capacity of governors, who also retained the control of the only available troops, the *samurai*, and exercised the right of appointing and discussing officials in their districts.

The reformers pursued their purpose steadily. Having recourse once more to the device of persuasion, they contrived that several of the administrative districts, that is to say, the former fiefs, should petition the Throne for permission to surrender their local autonomy and to pass under the direct rule of the central Government. No immediate action was taken, however, in the sense of these petitions: their suggestive influence upon the public mind was left to mature.

Meanwhile the *samurai* presented a still more serious obstacle to political progress. Their differentiation from the farmers to whose ranks they originally belonged and their elevation into an independent class had been essentially a feudal development. They might indeed be regarded as the basis of the feudal system, for without them its existence would have been impossible. Hence their abolition as a body of hereditary soldiers and officials and their re-absorption into the mass of the people were even more necessary than the mediatisation of the fiefs. Here, too, the same method of procedure by suggestion was adopted. A number of the *samurai* were persuaded to seek Imperial sanction for laying aside their swords and reverting to agriculture.

At this stage the leaders of the revolution found their own cohesion threatened. Shimazu Saburo, ex-Daimyō of Satsuma, took umbrage because the services of his clan in promoting the overthrow of the *Shōgun* and the restoration of Imperial administration had not been more fully recognised. This was the chieftain whose name had once been execrated by foreigners because of the killing of Richardson by *samurai* of his cortège at Namamugi, near Yokohama, on the Tokaido, and because of the subsequent bombardment of his capital, Kagoshima, by a British squadron. He held, not without justice, that the coöperation of the great fief over which he ruled had been absolutely essential to the success of the revolution, and that the place of its representatives in the new administration ought to be correspondingly prominent. Had he remained obdurate, Japan's political progress might have been arrested. But he consented reluctantly to accept for himself an office second only to that of Premier, and a serious danger was averted for the moment. This incident gave prominence to the question of clan claims, and led to such a reconstitution of the Ministry that each of the four great clans, Satsuma, Chōshiu, Hizen, and Tosa, was equally represented. Thus, for the first time, the principle of clan representation received practical recognition in the organisation of the Government. It continued to be recognised for many years, and

ultimately became the chief target of attack for party politicians.

Another important arrangement effected at this time was that each of the above four clans should send to Tōkyō, whither the Imperial Court had been transferred, a contingent of troops to form the nucleus of a national army, a partial reversion being thus made to the remote era when the Imperial Court exercised military authority.

Nearly four years had now passed since the fall of the Tokugawa, and the Government, reassured as to the measure of support it might expect from the great feudatories, advised the Emperor to issue an edict announcing the complete abolition of the system of local autonomy and the removal of the territorial chiefs from the post of prefectural governor. This memorable decree was promulgated on August 29, 1871. Its further provisions were that the revenues of the former fiefs were thenceforth to be paid into the central treasury; that the appointment and dismissal of all officials were to be within the prerogatives of the Imperial Government; and that the feudal chiefs, retaining permanently one-tenth of their original incomes, were to make Tōkyō their place of residence. The *samurai*, however, were left in possession of their hereditary pensions and allowances and were not otherwise disturbed.

The mediatisation of the fiefs was now complete; the feudatories had disappeared from the

body politic, and the Emperor had recovered the full power of the purse. Such sweeping changes might have been expected to cause considerable commotion. But they were accomplished with little disturbance, first, because the way had been skilfully prepared for them; secondly, because those mainly affected by them had some compensations; and thirdly, because the *samurai*, without whose coöperation no disaffection could be serious, remained in full possession of their emoluments, and found nothing irksome to themselves in the new arrangement. As to the second of these reasons, it has to be explained that although the former feudal chiefs, deprived of their official status and reduced to the position of private gentlemen without even a patent of nobility to distinguish them from their old vassals and retainers, seemed to have received a stunning blow, they did not in truth find their altered positions and circumstances intolerably painful. To be suddenly stripped of official and military authority which had been exercised by their families for centuries, could not fail to be a bitter experience. But, on the other hand, possession of such authority had been merely nominal in the great majority of cases, since the seneschals (*karo*) had grasped its substance, leaving the shadow only to their masters. Thus what was expunged from the lives of these feudal autocrats had not bulked largely in their existence, and their regret at parting with it must have been in some degree tem-

pered by a sense of relief from responsibility. Besides, no scrutiny was made into the contents of their treasuries at the moment of mediatisation. They were allowed to remain in unquestioned possession of the accumulated funds of their former fiefs at the same time that they became public creditors for annual allowances equal to one-tenth of their feudal revenues. From a pecuniary point of view they had never been better situated, for the charges on the incomes of their fiefs under the old system must have exceeded the amount of the reduction now effected. Yet even when all these allowances are made, the cup that the ex-Daimyōs were required to drink certainly contained a very solid residuum of bitterness, and that they swallowed it patiently is one of the most remarkable events in the history of any nation.

So long, however, as the *samurai* remained a distinct class with special privileges, feudalism could not be said to have disappeared. They were the country's only soldiers. Some of their incomes were for life alone, but the great majority were hereditary, and all were based on the fact that their holders devoted themselves to military service only. Four hundred thousand men were in receipt of such emoluments, and the annual charge to the State on their account aggregated about two million pounds sterling. The nation began to feel that the burden could not be borne permanently. On the other hand, that these men

and their families — a total of some two million persons — should be suddenly deprived of means of subsistence on which they had hitherto confidently relied and which had been earned by the brave deeds of their forefathers, would have been an act of shocking inhumanity. Against such a solution of the problem public opinion would certainly have rebelled, not the less vehemently because the *samurai* themselves showed a noble disposition to bow to the necessity of the time. There was much to be said in favour of these men. If the privileges they enjoyed had become anomalous, it could not be denied that they gave loyal service in return, and that their lives exemplified all the qualities most prized among Japanese characteristics. Historical records and national recognition entitled them to look for sympathetic treatment at the hands of the Government, which, for the rest, they had been instrumental in setting up and whose leading spirits belonged to their order. Yet it is certain that the incongruity between their position and the changing times was not altogether hidden from the *samurai* by selfish considerations. Many of them, seeing that no place existed for them in the new polity, voluntarily stepped down into the company of the peasant or the merchant, and many others signified their willingness to join the ranks of common bread-winners if some small aid were given to equip them for such a career.

The Government, having suffered this leaven

of resignation and conviction to work during nearly six years, took a resolute step in 1873. A decree announced that the Treasury was prepared to commute the pensions of the *samurai* on the basis of six years' purchase for hereditary pensions and four years' for life pensions; one-half of the commutation to be paid in cash and one-half in bonds bearing interest at the rate of eight per cent. This meant that the holder of a perpetual pension of a hundred pounds might receive a ready-money sum of three hundred pounds provided that he agreed to have his pension reduced to twenty-four pounds, and that the holder of a life pension of the same amount could obtain cash to the extent of two hundred pounds and a perpetual pension of sixteen pounds. This commutation was not compulsory; the *samurai* were free to avail themselves of the proposal or to reject it. Incredible as the fact may seem, many of them accepted the offer. Possibly want of business knowledge impaired the judgment of some, possibly an apprehension that if they turned their backs on the proposal, worse terms might ultimately be thrust on them without the grace of option, influenced the action of others. But the general explanation appears to be that they made a large sacrifice in the interests of their country. Nothing in all their career as soldiers became these men better than their manner of abandoning it. Told that to lay aside their swords would facilitate their country's progress, many of them

did so, though from time immemorial they had cherished the sword as the mark of a gentleman, the most precious possession of a warrior, and the one outward evidence that distinguished their order from common bread-earners. Deprived of their military employment, invited to surrender more than one-half of the income attached to it, and knowing themselves unprepared alike by education and by tradition to win a livelihood in any calling save that of arms, they nevertheless bowed their heads quietly to these sharp reverses of fortune at the invitation of a government which they had helped to establish. It was assuredly a striking example of the fortitude and resignation which the creed of the *samurai* required him to display in the presence of adversity. But the problem was only partially solved. Those that rejected the Government's commutation scheme and continued to wear their swords greatly outnumbered those that accepted the former and laid aside the latter.

Differences of opinion had in the mean while begun to impair the collective competence of the leaders of progress themselves. Coalitions formed for destructive purposes often prove unable to support the strain of constructive effort. Some lack of cohesion could scarcely fail to develop itself among the Japanese reformers. Young men without any experience of State affairs or any special education to fit them for responsible posts, they were suddenly required to undertake the duty not only

of devising executive and fiscal systems universally applicable to a nation hitherto divided into a congeries of semi-independent principalities, but also of shaping the country's demeanour towards novel problems of foreign intercourse and alien civilisation. So long as the heat of their assault upon the Tokugawa Shogunate fused them into a homogeneous whole, they worked together successfully. But when, emerging from the storm and stress of the conflict, they had to enter the council chamber and draw plans for the construction of a brand-new political edifice on the partial ruins of a still vividly recent past, it was inevitable that their opinions should vary as to the architectural scheme and the nature of the materials to be employed. In this divergence of views, which will be illustrated by the course of succeeding events, many of the capital incidents of Japan's modern history had their origin.

It has been stated above that the declaration which the young Emperor was invited to make on assuming the reins of government, included a promise constructively pointing to a representative polity, and that the promise was suggested by the mutual jealousy of the planners of the Restoration rather than by any sincere desire for parliamentary institutions. A few zealous reformers may have wished to follow, in this respect, the example of the foremost Occidental nations; but an overwhelming majority of the statesmen of the time thought only of a system

which, by securing to all the clans a share of administrative authority, would prevent the undue preponderance of any one of them. It need scarcely be repeated that the military class alone entered into this account. A "national assembly" was regarded solely as an instrument for eliciting the views of the *samurai*. Two such assemblies actually did meet in the years immediately following the Restoration. But they were nothing more than debating clubs. No legislative power was entrusted to them, and their opinions received little official attention. After the second fiasco they were tacitly allowed to pass out of existence. Everything, indeed, goes to show that representative government might have long remained outside the range of practical politics had not its uses derived vicarious value from special complications.

Chief among those complications was the Korean question. The story of Japan's relations with Korea, though dating from very remote times and including several memorable incidents, may be epitomised here into a statement that from the sixteenth century, when the peninsula kingdom was overrun by Japanese troops under Hideyoshi's generals, its rulers made a habit of sending a present-bearing embassy to felicitate the accession of each Japanese *Shōgun*. But after the fall of the Tokugawa Government, the Korean Court desisted from the custom, declared its determination to have no further relations

with a country embracing Western civilisation, and refused even to receive a Japanese embassy.

Naturally such conduct roused deep umbrage in Japan. It constituted a verdict that whereas the old Japan had been entitled to the respect and homage of neighbouring Powers, the new might be treated with contumely.

At the time when this defiance was flung in Japan's teeth, some friction had been developed among the leaders of national reform. Of the fifty-five men whose united efforts had compassed the fall of the Shogunate, five stood conspicuous above their colleagues. They were Iwakura and Sanjo, Court nobles; Saigo and Okubo, *samurai*, of Satsuma; and Kido, a *samurai* of Chōshiu. In the second rank came many men of great gifts, whose youth alone disqualified them for prominence, — Ito, the constructive statesman of the *Meiji* era, who inspired nearly all the important measures of the time, though he did not at first openly figure as their originator; Inouye, who never lacked a resource, was never dismayed by an obstacle, nor ever swerved from the dictates of loyalty; Okuma, a politician of the most subtle, versatile, and vigorous intellect; Itagaki, the Rousseau of his era, and a score of others called to the surface by the extraordinary circumstances with which they had to deal. But the five first mentioned were the captains; the rest, only lieutenants. Among the five, four were sincere reformers; not free,

of course, from selfish motives, but truthfully bent upon promoting the interests of their country before all other aims. The fifth, Saigo Takamori, was a man in whom boundless ambition lay concealed under qualities of the noblest and most endearing type. His absolute freedom from every trace of sordidness gave currency to a belief that his objects were of the simplest; the story of his career satisfied the highest canons of the *samurai;* his massive physique, commanding presence, and sunny aspect impressed and attracted even those who had no opportunity of admiring his life of self-sacrificing effort or appreciating the remarkable military talent he possessed. In the first years of his career, the object of his ambition was Satsuma; in the later years, Saigo. The overthrow of the Tokugawa Shogunate presented itself to him originally as a prelude to the supremacy of the Satsuma clan, and when the abolition of feudalism defeated that purpose, Satsuma assumed in his eyes the guise of Saigo. Whether he clearly recognised his own project or was unconsciously swayed by it, there is no doubt that he looked to become supreme in the administration of State affairs. To that end the preservation of the military class was essential. By the swords of the *samurai* alone could a new *imperium in imperio* be carved out. On the other hand, Saigo's colleagues in the Ministry saw clearly not only that the *samurai* were an unwarrantable burden on the nation, but also that their

continued existence after the fall of feudalism would be a menace to public peace as well as an anomaly. Therefore they took the steps already described, and followed them by enacting a conscription law, making every adult male liable for military service without regard to his social standing.

It is easy to conceive how painfully unwelcome this conscription law proved to the *samurai*. Many of them were not unwilling to commute their pensions, since their creed had always forbidden them to care for money and since patriotism demanded the sacrifice. Many of them were not unwilling to abandon the habit of carrying swords, since the adoption of foreign costume rendered such a custom incongruous and inconvenient and since it was out of touch with the times. But very few could readily consent to step down from their cherished position as the military class, and relinquish their traditional title to bear the whole responsibility and enjoy the whole honour of fighting their country's battles. They had supposed, not unreasonably, that service in the army and navy would be reserved exclusively for them and their sons, whereas now the commonest rustic, mechanic, or tradesman would be equally eligible. On the other hand, conscription having been the basis of the country's military system in the days of Imperial rule which the reformers sought to restore, they would naturally have been anxious to revert to that method of

raising an army, even though they had not appreciated that such a measure would ring the knell of the *samurai* class.

While the pain of this blow was still fresh, the question of Korea's contumacious conduct presented itself. It produced an immediate and violent disruption in the ranks of the little band of reformers. Saigo saw in a foreign war the sole remaining chance of achieving his ambition by lawful means. The Government's conscription scheme, yet in its infancy, had not produced even the skeleton of an army. If Korea had to be conquered, the *samurai* must be employed, and their employment would mean, if not their rehabilitation, at least their organisation into a force which, under Saigo's leadership, might dictate a new polity. Other members of the Cabinet believed that the nation would be disgraced if it tamely endured Korea's insults. Thus several influential voices swelled the clamour for war. But a peace party offered strenuous opposition. Its members perceived the collateral issues of the problem, and declared that the country must not think of taking up arms during a period of radical transition. The final discussion took place in the Emperor's presence. Probably none of those engaged in it understood the whole scope of its national significance, or perceived that they were debating, not merely whether there should be peace or war, but whether the country should halt or advance on its newly adopted

path of progress. The peace party prevailed, and four members of the Cabinet, including Saigo, resigned.

This rupture was destined to have far-reaching consequences. One of the seceders, Yeto Shimpei, immediately raised the standard of revolt. Among the devices employed by him to win adherents was an attempt to fan into flame the dying embers of the anti-foreign sentiment. The Government crushed his insurrection easily. Another seceder was Itagaki Taisuke. He believed in representative institutions, and advocated the establishment of a national assembly consisting half of officials and half of public nominees. His views, premature and visionary, obtained no currency at the moment, but in later years became the shibboleth of a great political party. They need not be referred to here further than to note that at the time when Itagaki advocated this reform, the idea of popular representation can scarcely have been present in his mind. The people did not yet exist in a political sense.

Saigo, the most prominent of the seceders, seems to have concluded from that moment that he must abandon his aims or achieve them by force. He retired to his native province of Satsuma, and applied his whole resources, his great reputation, and the devoted loyalty of a number of able followers to organising and equipping a strong body of *samurai*. Matters were facilitated for him by the conservatism of the celebrated

Shimazu Saburo, former chief of Satsuma, who, though not opposed to foreign intercourse, had been revolted by the wholesale iconoclasm of the time and by the indiscriminate rejection of Japanese customs in favour of foreign. He protested vehemently against what seemed to him a slavish abandonment of the nation's individuality, and, finding his protest fruitless, set himself to preserve, in his own distant province, where the writ of the Yedo Government had never run, the fashions, institutions, and customs which his former colleagues in the Administration were ruthlessly rejecting. Satsuma thus became a centre of conservative influences, among which Saigo and his constantly augmenting band of *samurai* found a congenial environment.

During four years this breach between the central Government and the southern clan grew constantly wider. The former steadily organised its conscripts, trained them in foreign tactics, and equipped them wholly with foreign arms. The latter adopted the rifle and the drill of Europe, but clung to the sword of the *samurai*, and engaged ceaselessly in exercises for developing physical power.

Many things happened in that four-year interval; among them a military expedition to Formosa, which led Japan to the verge of war with China. The ostensible cause of this complication was the barbarous treatment of castaways from Riukiu by Formosan aborigines. Upon

the Chinese Government properly devolved the duty of punishing its subjects, the Formosans. But as the Chinese Government showed no inclination to discharge the duty, Japan took the law into her own hands. She would never have done so, however, had she not hoped to placate thereby the Satsuma *samurai*. The Riukiu islands had been for centuries an appanage of the Satsuma fief, and the Government, in undertaking to protect the islanders, not only showed consideration for the discontented clan, but also acceded to the *samurai's* wish for an over-sea campaign. From a military point of view the expedition was successful. But little glory was to be gained by shooting down the semi-savage inhabitants of Formosa, and, whatever potentialities the expedition might have possessed with regard to domestic politics were marred by the bad grace shown in undertaking it and by the feebleness of its international issue. For on the very eve of the sailing of the transports that carried the expeditionary force, the Tōkyō Government, swayed by foreign councils, had sought to arrest the departure of the vessels, thus dissociating itself from the enterprise. And after the troops had done their part expeditiously and thoroughly, the same Government sent an ambassador to Peking with instructions to contrive a peaceful solution under all circumstances, thus losing credit with the *samurai* whom it had hoped to placate.

A year after the return of the Formosa expedi-

tion, that is to say, at the close of 1875, the Koreans completed their rupture with Japan by firing on the boats of a Japanese war-vessel engaged in the peaceful operation of coast-surveying. No choice now remained except to despatch an armed expedition against the truculent kingdom. In this matter Japan showed herself an apt pupil of Occidental methods, such as had been practised against herself in former years. She assembled an imposing force of warships and transports, but instead of proceeding to extremities, she employed the squadron — which was by no means so strong as it seemed — to intimidate Korea into signing a treaty of amity and commerce and opening three ports to foreign trade. That was the beginning of Korea's friendly relations with the outer world, and Japan naturally took credit for the fact that, thus early in her new career, she had become an instrument for extending the principle of universal intercourse opposed so strenuously by herself in the past. But the incident only accentuated the dissatisfaction of the conservative *samurai*. They did not want treaties of commerce, and they held it a national humiliation that the country should have negotiated on equal terms with a little State which they regarded as a tributary and which acknowledged China as its suzerain.

It was at this stage that the Government deemed itself strong enough to adopt extreme measures with regard to the *samurai*. Three

years previously the wearing of swords had been declared optional and a scheme of voluntary commutation had been announced. Many had bowed quietly to the spirit of these enactments. But many still wore their swords and drew their pensions as of old, obstructing, in the former respect, the Government's projects for the reorganisation of society, and imposing, in the latter, an intolerable burden on the resources of the Treasury. The Ministry judged that the time had come, and that its own strength sufficed, to substitute compulsion for persuasion. Two edicts were issued, — one vetoing the wearing of swords, the other ordering the commutation of the pensions and allowances received by the *samurai* and the former feudal chiefs.

The financial measure — which was contrived so as to affect the smallest pension-holders least injuriously — evoked no open complaint, whatever secret dissatisfaction it may have caused. The *samurai* remained faithful to the creed which forbade them to be concerned about money. But the veto against sword-wearing overtaxed the patience of the extreme conservatives. It seemed to them that all the most honoured traditions of their country were being ruthlessly sacrificed on the altar of alien innovations. Armed protests ensued. A few scores of *samurai*, equipping themselves with the hauberks and weapons of old times, attacked a castle, killed or wounded some three hundred of the garrison, and then,

retiring to an adjacent mountain, died by their own hands. Their example found imitators in two other places, and finally the Satsuma *samurai* rose in arms under Saigo.

This was an insurrection very different in dimensions and motives from the paltry outbreaks that had preceded it. During four years the preparations of the Satsuma men had been unremitting. They were well equipped with rifles and cannon; they numbered some thirty thousand, being thus nearly as numerous as the Government's standing army; they were all of the military class, and in addition to high training in Western tactics and in the use of modern arms of precision, they knew how to wield that formidable weapon, the Japanese sword, of which their opponents were for the most part ignorant. Ostensibly their object was to restore the *samurai* to their old supremacy, and to secure for them all the posts in the army, the navy, and the administration. But although they doubtless entertained that intention, it was put forward mainly with the hope of winning the coöperation of the military class in all parts of the Empire. The real purpose of the revolt was to secure the governing power for Satsuma. A bitter struggle ensued. Beginning on January 29, 1877, it was brought to a close on September 24 of the same year, by the death, voluntary or in battle, of all the rebel leaders. During that period the number of men engaged on the Government's side

had been sixty-six thousand, and the number on the side of the rebels forty thousand, out of which total the killed and wounded aggregated thirty-five thousand, or thirty-three per cent of the whole. Had the Government's troops been finally defeated, there can be no doubt that the *samurai's* exclusive title to man and direct the army and navy would have been reëstablished, and that Japan would have found herself permanently saddled with a military class, heavily burdening her finances, seriously impeding her progress towards constitutional government, and perpetuating all the abuses incidental to a polity in which the power of the sword rests entirely in the hands of one section of the people. The nation scarcely appreciated the great issues that were at stake. It found more interest in the struggle as furnishing a conclusive test of the efficiency of the new military system compared with the old. The army sent to quell the insurrection consisted of recruits drawn indiscriminately from every class of the people. Viewed by the light of history, it was an army of commoners, deficient in the fighting instinct and traditionally demoralised for all purposes of resistance to the military class. The Satsuma insurgents, on the contrary, represented the flower of the *samurai*, long trained for this very struggle and led by men whom the nation regarded as its bravest captains. The result dispelled all doubts about the fighting quality of the people at large. Such doubts

ought not, indeed, to have been seriously entertained, for the *samurai* were not racially distinguished from the bulk of the nation: they had emerged originally from the agricultural class, and they could claim no special military aptitude except such as had been educated by training or encouraged by tradition. Yet of all the radical changes introduced during the *Meiji* era none was regarded with such misgivings by the Japanese themselves as the disbanding of the *samurai* army, soldiers by birth, by profession, and by heredity, and the substitution of an army of conscripts taken from the manufacturing, tradal, and agricultural classes who were believed to be entirely deficient in all military qualities. The Satsuma rebellion seemed to have been contrived by fate expressly to confirm or dispel these misgivings, and its result did more than can readily be described to establish the nation's faith in the new regimen.

II — POLITICS

Concurrently with the events relating to the fall of feudalism, which, for the sake of lucidity, have been collected in the preceding section into a continuous narrative, the Imperial Government spared no effort to equip Japan with all the paraphernalia of Western civilisation. Under any circumstances it would have been natural that the master-minds of the era, the men who had planned and carried out the great work of the Restoration,

should lead the nation along all paths of progress. Their intellectual superiority entitled them to act as guides, and they had enjoyed exceptional opportunities of acquiring enlightenment by visits to Europe and America. But there were special considerations also. The Japanese people had long been in the habit of looking to the official class for all initiative. The term "official class" is, indeed, somewhat misleading in this context. "Educated class" would be a more accurate form of expression, for the *samurai*, who filled all the official posts, stood in that relation to the bulk of the nation. Readers of these pages are aware, further, that the character of the Government throughout the whole of the Tokugawa era had been essentially parental. Men had been taught to adjust their most trivial doings to the provisions of rules and regulations, and they had been further taught to abhor the very civilisation which it was now expedient they should adopt. Unprepared, on the one hand, to think and act for themselves, they were prepared, on the other, to think and act wrongly. The Government, therefore, did what was wise and right when it applied itself strenuously to push the nation into the desired path. To foreign onlookers, however, the spectacle thus presented was not without disquieting suggestions, for not only did they doubt the permanent strength of official leading strings, but also it seemed to them that the Government's reforms outstripped the nation's readiness for

them, and that the results wore an air of some artificiality and confusion. But the Government never faltered. Its confidence remained unshaken by any predictions of danger, and its energy defied any obstacles. Englishmen were employed to superintend the building of railways, the erection of telegraphs, the construction of light-houses, and the organisation of a navy. To Frenchmen was entrusted the work of recasting the laws and training the army in strategy and tactics. Educational affairs, the organisation of a postal service, the improvement of agriculture, and the work of colonisation were supervised by Americans. The teaching of medical science, the compilation of a commercial code, the elaboration of a system of local government, and ultimately the training of military officers were assigned to Germans. For instruction in sculpture and painting Italians were engaged. In short, the Japanese undertook, in the most light-hearted manner possible, to dress themselves in clothes such as they had never worn before and which had been made to fit other people. The spectacle looked strange enough to justify the apprehensions of foreign critics, who asked whether it was possible that so many novelties should be successfully assimilated, or that a nation should adapt itself to systems planned by a motley band of aliens who knew nothing of its character or customs.

The truth is, however, that conservatism was not really required to make such sweeping sacri-

fices as appearances suggested. The inner life of the people remained unchanged. Perhaps the abandonment of the queue was the only irrevocable concession to the new fashion. Men were laughed out of that appendage by a clever rhymester, who sang that taps on a tonsured pate produced the sound of a cheap gourd, whereas from a full-haired head they elicited notes of progress and enlightenment! However ardently a statesman advocated the new regimen, he showed his affection for the old by leading a dual existence. During hours of duty he wore a fine uniform shaped and decorated in foreign style. But so soon as he stepped out of office or off parade, he reverted to his own comfortable and picturesque costume. Handsome houses were built and furnished according to Western models; but each had an annex where alcoves, verandahs, matted floors, and paper sliding-doors continued to do traditional duty. Beefsteaks, beer, "grape-wine," knives and forks came into use on occasion; but rice-bowls and chopsticks held their every-day place as of old. In a word, though the Japanese adopted every convenient and serviceable attribute of foreign civilisation, such as railways, steamships, telegraphs, post-offices, banks, and machinery of all kinds; though they accepted Occidental sciences and, to a large extent, Occidental philosophies; though they recognised the superiority of European jurisprudence and set themselves to bring their laws into accord with it, — they nevertheless preserved the

essentials of their own mode of life and never lost their individuality. A remarkable spirit of liberalism and a fine eclectic instinct were needed for the part they acted, but they did no radical violence to their own traditions, creeds, and conventions.

There was indeed a certain element of incongruity and even grotesqueness in the nation's doings. Old people cannot fit their feet to new grooves without some clumsiness. The Japanese had grown very old in their special paths, and their novel departure was occasionally disfigured by solecisms. The refined taste that guided them unerringly in all the affairs of life as they had been accustomed to live it, seemed to fail them signally when they emerged into an alien atmosphere. But it will be seen, when the results of their various efforts come to be considered in detail, that the apparently excessive rapidity of their progress did not overtax their capacities, and that there is no prospect of their newly adopted civilisation's proving unsuited to them. The often expressed fear that they would turn back and retrace their steps, is proved to be quite chimerical.

After the failure of the Satsuma rebellion had extinguished the last smouldering embers of military feudalism, the only question that disturbed Japan's domestic politics was the manner of distributing the administrative power. One of the lessons taught by Japanese history is that representative institutions are in the genius of the

nation. At a very early era the sovereign ceased to be autocratic, or to retain any prerogative which might be exercised without the concurrence of his principal subjects. The highest offices of the State became hereditary possessions of certain great families, and as generation succeeded generation each unit of this oligarchy of households attained the dimensions of a clan, so that administrative functions may be said to have been exercised by groups, not by individuals. Subsequently the exigencies of the time gave birth to a military aristocracy headed by a generalissimo (*Shōgun*), into whose hands administrative authority passed. But even in this military feudalism no traces of genuine autocracy were found. Just as the extensive power, nominally vested in the central figure, the *Shōgun*, were in reality wielded by a large body of ministers and councillors, so the local autonomy enjoyed by each fief was exercised, not by the chief himself, but by his leading vassals. A united effort on the part of all the clans to overthrow this system and wrest the administrative power from the *Shōgun* could have only one logical outcome, the combined exercise of the recovered power by those that had been instrumental in recovering it. That was the meaning of the oath taken by the Emperor at the Restoration, when the youthful sovereign was made to say that "wide counsels should be sought, and all things determined by public discussion." But the framers of the oath

had the *samurai* alone in view. Into their consideration the "common people" — farmers, mechanics, tradesmen — did not enter at all, nor had the common people themselves any idea of advancing a claim to be considered. A voice in the administration would have been to them an embarrassment rather than a privilege. It is true that among the people too — the "commoners" of feudal times — representative principles had long been operative. Their headmen, their elders, and their "five-men groups" had stood between them and the repository of supreme authority, assuming their responsibilities and discharging their public duties. Such functions, however, were limited to parochial and domestic affairs. Farmers, artisans, and traders had no concern whatever with State business, nor ever gave a thought to it. Had they been invited to assume a share in the Government after the fall of feudalism, they would have declined the offer with something like consternation.

Thus the first deliberative assembly convened in accordance with the sovereign's pledge was composed of nobles and *samurai* only, nor did its composition provoke criticism in any quarter. It accomplished nothing, being in truth a mere debating club, not invested with any legislative authority whatever. Two sessions sufficed to bring it into ridicule, and it was dissolved amid public jeers.

Possibly the parliamentary problem might have

passed out of the nation's sight for a time after that fiasco, had it not been ardently taken up by Itagaki Taisuke. This politician has already been spoken of as the Rousseau of Japan. A Tosa *samurai*, he had figured prominently in the Restoration movement, and though his views about parliaments, personal liberty, and popular representation indicated a visionary and unpractical mind, his unmistakable earnestness, his integrity, and his unselfish devotion to any cause he espoused, gave him much influence. When the question of Korea's contumacy came up for discussion in 1873, Itagaki was among the advocates of recourse to strong measures, and his failure to carry his point, supplemented by a belief that a large section of public opinion would have supported him had there been any machinery for appealing to it, gave fresh impetus to his faith in constitutional government. Leaving the Cabinet on account of the Korean question, he became the nucleus of agitation in favour of a parliamentary system, and under his banner were enrolled not only discontented *samurai*, but also many young men who, returning from direct observation of the working of constitutional systems in Europe or America, and failing to obtain official posts in Japan, attributed their failure to the oligarchical form of their country's polity. Thus in the interval between 1873 and 1877 there were two centres of disturbance in Japan, — one in Satsuma, where Saigo figured as leader;

the other in Tosa, under Itagaki's guidance. When the Satsuma men appealed to arms in 1877, a widespread apprehension prevailed lest the Tosa politicians should throw in their lot with the insurgents. Such a fear had its origin in failure to understand the object of the one side or to appreciate the sincerity of the other. Saigo and his adherents fought to substitute a Satsuma clique for the oligarchy already in power. Itagaki and his followers struggled for constitutional institutions. The two could not have anything in common. There was consequently no coalition. But the Tosa agitators did not neglect to make capital out of the embarrassment caused by the Satsuma rebellion. While the struggle was at its height, they addressed to the Government a memorial charging the administration with oppressive measures to restrain the voice of public opinion; with usurpation of power to the exclusion of the nation at large, and with levelling downward instead of upward, since the *samurai* had been reduced to the rank of commoners, whereas the commoners should have been educated to the standard of the *samurai*. This memorial asked for a representative assembly and talked of popular rights. But since the document admitted that the people were uneducated, it is plain that there cannot have been any serious idea of giving them an immediate share in the administration. In fact, the Tosa liberals were not really contending for popular represen-

tation in the full sense of the term. What they wanted was the creation of some machinery for securing to the *samurai* at large a voice in the management of State affairs. They chafed against the fact that whereas the efforts and sacrifices demanded by the Restoration had fallen equally on the whole military class, the official prizes under the resulting system were monopolised by a small coterie of men belonging to the four principal clans. It is on record that Itagaki would have been content originally with an assembly consisting half of officials, half of non-official *samurai*, and not including any popular element whatever.

But the Government did not believe that the time had come for even such a measure as the Tosa liberals advocated. The statesmen in power conceived that the nation must be educated up to constitutional standards, and that the first step should be to provide an official model. Accordingly, in 1874, arrangements were made for periodically convening an assembly of prefectural governors, in order that they might act as channels of communication between the central authorities and the provincial population, and might mutually exchange ideas as to the safest and most effective methods of encouraging progress within the limits of their jurisdictions. This was intended to be the embryo of representative institutions. But the governors, being officials appointed by the Cabinet, did not bear in any

sense the character of popular nominees, nor could it even be said that they reflected the public feeling of the districts they administered, for their habitual and natural tendency was to try, by means of heroic object lessons, to win the people's allegiance to the Government's progressive policy, rather than to convince the Government of the danger of overstepping the people's capacities.

These conventions of local officials had no legislative power whatever. The foundations of a body for discharging that function were laid in 1875, when a Senate (*genro-in*) was organised. It consisted of official nominees, and its duty was to discuss and revise all laws and ordinances prior to their promulgation. No power of initiative was vested in it. The credit of this body was impaired by the fact that expediency not less than a spirit of progress had evidently presided at its creation. Into its ranks had been drafted a number of men for whom no places could be found in the Executive, and who without some official employment would have been drawn into the current of disaffection. From that point of view the Senate soon came to be regarded as a kind of hospital for administrative invalids, though undoubtedly its discharge of quasi-legislative functions proved suggestive, useful, and instructive.

The assemblies of Governors and the Senate might have sufficiently occupied public attention for some years had not an event occurred which warned the Government to proceed more ex-

peditiously. In the spring of 1878 the great Minister, Ōkubo Toshimitsu, was assassinated. Uniformly ready to bear the heaviest burden of responsibility in every political complication, Ōkubo had stood prominently before the nation as Saigo's opponent. He fell under the swords of Saigo's sympathisers. They immediately surrendered themselves to justice, having taken previous care to circulate a statement of motives, which showed that they ranked the Government's failure to establish representative institutions as a sin scarcely less heinous than its alleged abuses of power. Well-informed followers of Saigo could never have been sincere believers in representative institutions. These men belonged to a province far removed from the scene of Saigo's desperate struggle. But the broad fact that they had sealed with their life-blood an appeal for a political change, indicated the existence of a strong public conviction which would derive further strength from their act. The Government determined to accelerate its pace. It did not act under the influence of terror. The Japanese are essentially a brave people. Throughout the troublous events that preceded and followed the Restoration, it is not possible to point to one leader whose obedience to duty or to conviction was visibly weakened by prospects of personal peril. Ōkubo's assassination did not alarm any of his colleagues; but they understood its suggestiveness, and hastened to give effect to a previously formed resolve.

Two months after Ōkubo's death, an edict announced that elective assemblies should forthwith be established in the various prefectures and cities. These assemblies were to consist of members having a high property qualification, elected by voters having one half of that qualification; the voting to be by signed ballot, and the sessions to last for one month in the spring of each year. As to their functions, they were to determine the method of levying and spending local taxes, subject to approval by the Minister of State for Home Affairs; to scrutinise the accounts for the previous year, and, if necessary, to present petitions to the Central Government. Thus the foundations of genuine representative institutions were laid. It is true that legislative power was not vested in the local assemblies, but in all other important respects they discharged parliamentary duties. Their history need not be related at any length. Sometimes they came into violent collision with the Governor of the Prefecture, and unsightly struggles resulted. The Governors were disposed to advocate public works which the people considered extravagant, and further, as years went by and as political organisations grew stronger, there was found in each assembly a group of men ready to oppose the Governor simply because of his official status. But, on the whole, the system worked well. The local assemblies served as training schools for the future parliament, and their members showed devotion

to public duty as well as considerable aptitude for debate.

This was not what Itagaki and his followers wanted. Their purpose was to overthrow the clique of clansmen who, holding the reins of administrative power, monopolised the prizes of officialdom. Towards the consummation of such an aim the local assemblies helped little. Itagaki redoubled his agitation. He organised his fellow-thinkers into an association called *Jiyu-to* (liberals), the first political party in Japan, to whose ranks there very soon gravitated several men who had been in office and resented the loss of it; many that had never been in office and desired to be; and a still greater number who sincerely believed in the principles of political liberty, but had not yet considered the possibility of immediately adapting such principles to Japan's case.

It was in the nature of things that an association of this kind, professing such doctrines, should present a picturesque aspect to the public, and that its collisions with the authorities should invite popular sympathy. Nor were collisions infrequent. For the Government, arguing that if the nation was not ready for representative institutions, neither was it ready for full freedom of speech or of public meeting, legislated consistently with that theory, and entrusted to the police considerable powers of control over the press and the platform. The exercise of these

powers often created situations in which the Liberals were able to pose as victims of official tyranny, so that they grew in popularity and the contagion of political agitation spread.

Three years later (1881), another split occurred in the ranks of the ruling oligarchy. Ōkuma Shigenobu seceded from the administration, and was followed by a number of able men who had owed their appointments to his patronage, or who, during his tenure of office as Minister of Finance, had passed under the influence of his powerful personality. If Itagaki be called the Rousseau of Japan, Ōkuma may be regarded as the Peel. To remarkable financial ability and a lucid, vigorous judgment, he adds the faculty of placing himself on the crest of any wave that a genuine *aura popularis* has begun to swell. He too inscribed on his banner of revolt against the oligarchy the motto "Constitutional Government," and it might have been expected that his followers would join hands with those of Itagaki, since the avowed political purpose of both was identical. They did nothing of the kind. Ōkuma organised an independent party, calling themselves "Progressists" (*Shimpo-to*), who not only stood aloof from the Liberals but even assumed an attitude hostile to them. This fact is eloquent. It shows that Japan's first political parties were grouped, not about principles, but about persons. Hence an inevitable lack of cohesion among their elements and a constant ten-

dency to break up into coteries. These are the characteristics that render so perplexing to a foreign student the story of political evolution in Japan. He looks for differences of platform and finds none. Just as a true liberal must be a progressist, and a true progressist a liberal, so, though each may cast his profession of faith in a mould of different phrases, the ultimate shape must be the same. The mainsprings of early political agitation in Japan were personal grievances and a desire to wrest the administrative power from the hands of statesmen who had held it so long as to overtax the patience of their rivals. He that searches for profound moral or ethical bases will be disappointed. There were no conservatives. Society was permeated with the spirit of progress. In a comparative sense the epithet "conservative" might have been applied to the statesmen who proposed to defer parliamentary institutions until the people, as distinguished from the former *samurai*, had been in some measure prepared for such an innovation. But since these very statesmen were the guiding spirits of the whole *Meiji* revolution, it was plain that their convictions must be radical, and that, unless they did violence to their record, they must finally lead the country to representative institutions, the logical sequel of their own reforms.

Ōkubo's assassination in 1878 had been followed by an edict announcing the establishment

of local assemblies. Ōkuma's secession in 1881 was followed by an edict announcing that a national assembly would be convened ten years later. The formation of the Progressist Party, which included in its ranks many men of substance, social standing, and political importance, was an event too significant to be misinterpreted.

The political parties having now virtually attained their ostensible object, might have been expected to desist from farther agitation. They could not hope to hasten the advent of parliamentary institutions, since the date was definitely fixed, nor could they quarrel with the Government's constitutional principles, for of these no intimation had yet been given. But in truth the ultimate aim of their opposition was not the setting up of a parliament so much as the pulling down of the "clan statesmen." A national assembly commended itself to them mainly as a means to that end, and consequently, after securing the promise of a parliament, their next task was to excite anti-official prejudices among the future electors. They worked assiduously and they had an undisputed field, for no one was put forward to champion the Government's cause. Frank criticism has been directed against that singular forbearance on the part of the statesmen in power. It has been asserted that in order to ensure the smooth working of the parliamentary machine which they had promised to create, they should not have wholly abandoned to their

enemies the political education of the constituencies. The apparent explanation is that, in the first place, they looked to be judged by their deeds solely, and left the task of talking to their adversaries; in the second, they contemplated a Cabinet independent of parliament and taking its mandate from the Emperor alone.

The campaign was not conducted always on lawful lines. There were plots to assassinate Ministers. There was an attempt to employ dynamite. There was a scheme to incite an insurrection in Korea. In justice to the Liberal and the Progressist leaders it must be stated that they never countenanced or condoned such acts. The extent of their fault was failure to control their followers. On the other hand, dispersals of political meetings by order of police-inspectors, and suspension or suppression of newspapers by the unchallengeable fiat of the Home Minister were frequent occurrences. So greatly indeed was public tranquillity threatened, that the Government found it necessary to issue an Ordinance empowering the police to banish doubtful characters from the capital without any form of trial, and even to arrest and detain them on suspicion. Thus the breach widened steadily. It is true that Ōkuma, the leader of the Progressists, rejoined the Cabinet for a time in 1887, but after a brief tenure of office he resigned under circumstances that aggravated his party's hostility to officialdom. In short, during the ten

years immediately prior to the opening of the first parliament, an anti-Government propaganda was incessantly preached from the platform and in the press.

Meanwhile the statesmen in Tōkyō steadily pursued their path of progressive reform. They recast the Ministry, removing the Court nobles, appointing one of the young reformers (Itō Hirobumi) to the post of Premier, and organising the departments on the lines of a European government. They rehabilitated the nobility, creating five orders — prince, marquis, count, viscount, and baron,[1] — and granting patents to the men who had taken leading parts in the Restoration. They codified the civil and penal laws, remodelling them on Western bases. They brought a vast number of affairs within the scope of minute regulations. They rescued the finances from confusion and restored them to a sound condition. They recast the whole framework of local government. They organised a great national bank and established a network of subordinate institutions throughout the country. They pushed the work of railway construction and successfully enlisted private enterprise in its cause. They steadily extended the postal and telegraphic services. They economised public expenditures so that the State's income always exceeded its outlays. They laid the foundations of a strong mercantile marine. They instituted a system

[1] See Appendix, note 26.

of postal savings-banks. They undertook large schemes of harbour improvement and road-making. They planned and put into operation an extensive programme of riparian improvement. They made civil-service appointments depend on competitive examination. They sent numbers of students to Europe and America to complete their studies; and by tactful, persevering diplomacy they gradually introduced a new tone into the Empire's relations with foreign Powers. Japan's affairs were never better administered.

In 1890 the Constitution was promulgated. Imposing ceremonies marked the event. All the nation's notables were summoned to the Palace to witness the delivery of the important document by the sovereign to the Prime Minister; salvoes of artillery were fired; the cities were illuminated and the people kept holiday.

This rejoicing was marked by an event which reminded the world that although Japan had put on so much that was foreign she had not put off much that was native. Nishino Buntaro, a youth barely out of his teens, repaired to the official residence of the Minister of State for Education, waited in an ante-room until the Minister was about to enter his carriage for the purpose of attending the ceremony of the Constitution's promulgation at the Palace, and approaching him as though to open a conversation, plunged a large knife into his abdomen. The man thus done to death was Viscount Mori, one of Japan's

most enlightened and progressive statesmen. It appeared that when visiting the Shrine of Ise in the previous year, he had raised one of the sacred curtains with his cane, an act which presented itself to many Japanese in a sacrilegious light. It is certain that Viscount Mori did not intend to offer any slight whatever to the spirit worshipped at the shrine. What he did was done inadvertently and under fully extenuating circumstances. In a Western country brief newspaper comment would have been the limit of his punishment, and even that might have seemed excessive. But Japan was suffering at the time from an attack of hysterical loyalty, and the Shrine at Ise being dedicated to the progenitrix of the country's sovereigns, it seemed to Nishino Buntaro that when high officials began to touch the sacred paraphernalia with walking-sticks, the foundations of Imperialism were menaced. No obligation devolved on him to vindicate the majesty of the shrine. He had no more connection with it than a student at Oxford has with Westminster Abbey. But he had been reared in the *bushi's* creed that a duty indicated by conscience must be discharged at all costs or hazards. He fell under the swords of the Minister's official guards, and for years afterwards his tomb received the homage of that section of Japanese men and women who worship achievement in despite of obstacles without regard to the nature of the thing achieved.

The framing of the Constitution had been

directed by Count (afterwards Marquis) Itō. He had visited the Occident for the purpose of investigating parliamentary institutions, studying their practical working and collecting from each whatever features seemed best adapted to the conditions existing in his own country. Ito Hirobumi's name is connected with nearly every great work of constructive statesmanship in the history of new Japan, and the crown of his legislative career was the drafting of the Constitution, a document conspicuously far-seeing in its occasional ambiguities, for it left time to interpret points which could not have been explicitly defined at the outset without provoking dangerous controversy. The Japanese point proudly to this Constitution as the only charter of its kind voluntarily given by a sovereign to his subjects. In other countries such concessions were always the outcome of long and often bloody struggles between ruler and ruled. In Japan the Emperor freely divested himself of a portion of his prerogatives and transferred them to the people. That view of the case, as will be perceived from the story told above, is not untinged with romance; but in a general sense it is true.

It will naturally occur to the reader of Japan's modern history to inquire what share the Emperor himself actually takes in the remarkable changes that signalise his reign. Japanese publicists refrain from discussing that question mi-

nutely. The nation wishes to believe that its sovereign exercises a directing influence, and the belief has a wholesome effect. In the opening years of Mutsuhito's reign, his youth necessarily disqualified him to employ the power with which he had been suddenly invested. But that from the first he evinced an intelligent interest in the stirring incidents of the era is affirmed by those best qualified to speak. Certain broad principles of national and international policy have always had His Majesty's earnest support, and it is more than probable that he would refuse his confidence to any Ministry avowedly deviating from them. But on the whole his active part in the administration of State affairs is probably smaller than that of the least autocratic sovereign in Europe. When an important question finds the country's leading statesmen in disagreement, it has become habitual that they should discuss it in the Mikado's presence and accept his verdict as final. But of course His Majesty decides, if not in accordance with the majority, then in favour of those whose views experience has taught him to trust. Preëminent among the latter is Marquis Itō. No other man in the Empire is so near the Throne, and the fact certainly constitutes a proof of His Majesty's sagacity. It may be added here that the financial position of the sovereign is very different now from what it was in the days when he lived a pensioner on the *Shōgun's* bounty. The

civil list is three hundred thousand pounds sterling annually, and so skilful has been the management of the Imperial Estates Bureau — this, too, largely owing to Marquis Itō's contrivance — that His Majesty's funded property amounts to about four millions sterling, and he further owns large tracts of forest land which will one day possess great value. The demands upon his purse, however, are very heavy. He supports the whole of the princely families, including that of the Prince Imperial; he accompanies all patents of nobility with handsome sums; he makes liberal allowances to Cabinet Ministers by way of supplement to their salaries; he pays the honoraria that go with orders and medals; he gives large amounts to charitable purposes, many of which escape public attention altogether, and he devotes considerable sums to the encouragement of art. His own manner of life is simple and frugal, and it may truly be said that his record does not show one act unworthy of the reverence with which his subjects regard him.

The framers of the Constitution were of course careful not to make its provisions too liberal. They fixed the minimum age for electors and candidates at twenty-five, and the property qualification at a payment of direct taxes aggregating at least thirty shillings (fifteen *yen*) annually. A bi-cameral system was adopted for the Diet; the House of Peers (*Kizoku-in*) being in part hereditary, in part elective, and in part nomi-

nated by the sovereign ;[1] the House of Representatives (*Shūgi-in*) consisting of three hundred elected members. Freedom of conscience, of speech, and of public meeting, inviolability of domicils and correspondence, security from arrest or punishment except by due process of law, permanence of judicial appointments, and all the other essential elements of religious liberty were guaranteed. In the Diet full legislative authority was vested: without its consent no tax could be imposed, increased, or remitted, nor could any public money be paid out except the salaries of officials (which the sovereign reserved the right to fix at will), and the annual budgets had to receive its endorsement. In the Emperor were vested the prerogatives of declaring war and making peace, of concluding treaties, of appointing and dismissing officials, of approving and promulgating laws, of issuing urgency ordinances to take the temporary place of laws, and of conferring titles of nobility.

No incident in Japan's modern career seemed more hazardous than this sudden plunge into parliamentary institutions. There had been some preparation. Provincial assemblies had partially familiarised the people with the methods of deliberative bodies. But provincial assemblies were at best petty arenas, — places where the making or mending of roads and the policing and scavenging of villages came up for discussion, and

[1] See Appendix, note 27.

where political parties exercised no legislative function nor found any opportunity to attack the Government or to debate problems of national interest. Thus the convening of a Diet and the sudden transfer of financial and legislative authority from the Throne and its *entourage* of tried statesmen to the hands of men whose qualifications for public life rested on the verdict of electors themselves apparently devoid of all right to guide their choice, — this sweeping innovation seemed likely to tax severely, if not to over-tax completely, the progressive capacities of the nation.

Some reassurance was derived from closer inspection of the election law. It then appeared that, owing to the various restrictions imposed, only four hundred and sixty thousand persons would be enfranchised out of a nation of forty-three millions. Yet against that discovery had to be set the certainty that the new constituencies must consist chiefly of farmers, manufacturers, and merchants. A parliament of *samurai* would have appeared reasonable and natural, inasmuch as administrative and executive duties had been discharged by *samurai* for many centuries, and such a parliament it was that the chief advocates of representative government originally had in view. But the times had dealt harshly with the *samurai*. Although wholly without business experience, many of them had not hesitated to risk in commercial or industrial enterprises the entire sums re-

ceived in commutation of their pensions, and the result had been disastrous in almost every case. It was well understood, therefore, that the property qualification imposed by the election law would exclude the great bulk of the former *samurai* from the lists of voters or candidates; and such indeed proved to be the case, for among the three hundred members of the first House of Representatives only one hundred and ten were found to belong to that class.[1] In short, legislative power was entrusted to men who had never, since the foundation of the Empire, enjoyed such a privilege nor had ever been thought fit to enjoy it. Thus the reflecting section of the nation appreciated and approved the limitations provided by the election law, and would even have had them stricter were that possible. But of course that view was not taken by political agitators. The sequence of events may be interrupted here so far as to say that the Lower House at once set itself to introduce measures for the extension of the franchise, and was uniformly opposed by the House of Peers, which in this matter, as in all others, showed itself strongly opposed to radical tendencies. After a struggle lasting nearly ten years, the Government, judging that the time had come for further concessions, introduced a bill lowering the tax qualification to ten *yen* for electors, dispensing with it altogether in the case of candidates, providing for secret ballots, extend-

[1] See Appendix, note 28.

ing the limits of electoral districts so as to embrace whole prefectures, and increasing the membership of the Lower House to three hundred and sixty-three. Under this system the number of franchise-holders was raised to eight hundred thousand approximately, and a fairer, though still not fully just, measure of representation was secured for the urban populations.

What enhanced the interest of the situation on the eve of the Diet's first assembly was that the oligarchal holders of administrative power had made no attempt whatever to win for themselves a following in the political field. They knew that the opening of the parliament would unmuzzle the agitators whose mouths had hitherto been partially closed by police restrictions, but who would now enjoy complete immunity within the walls of the assembly, whatever the nature of their utterances. Yet the statesmen of the day stood severely aloof from alliances of every kind, and continued to discharge their administrative functions with apparent indifference to the changes that popular representation could not fail to bring. That somewhat inexplicable display of unconcern became partially intelligible when the Constitution was carefully examined, for it then appeared that the Cabinet's tenure of office might be made to depend solely on the Emperor's will, that Ministers could take their mandate from the Throne, not from parliament. This fact was merely an outcome of the theory underlying every

part of the Japanese polity. Laws might be redrafted, institutions remodelled, systems recast, but amid all changes and mutations one steady point must be carefully preserved, the Throne. The makers of new Japan understood that so long as the sanctity and inviolability of the Imperial Prerogatives could be preserved, the nation would be held by a strong anchor from drifting into dangerous waters. They laboured under no misapprehension about the inevitable issue of their work in framing the Constitution. They knew very well that party cabinets are an essential outcome of representative institutions, and that to some kind of party cabinets Japan must come. But they regarded the Imperial mandate as a conservative safeguard, pending the organisation and education of parties competent to form cabinets. Such parties did not yet exist, and until they came into unequivocal existence, the Restoration statesmen, who had so successfully managed the affairs of the nation during a quarter of a century, resolved that the steady point furnished by the Throne must be maintained, and that their own duty was to refrain from identifying themselves with any political association. With much sagacity they had framed the Constitution so as to serve the purposes of a period of probation. For the document neither admitted nor denied the principle of parliamentary mandates; and since the sovereign, being the source of all power, must be supposed to retain every prerogative of

which he had not explicitly divested himself, while, on the other hand, any prerogative not definitely reserved might in the end be tacitly abandoned, it appeared that the Constitution was admirably adapted both for saving and for surrendering the situation.

It need scarcely be related that the agitators found in this ambiguity a new platform. They had obtained a Constitution and a Diet, but they had not obtained an instrument for pulling down the "Clan Government" (*hambatsu-seifu*), since it stood secure from attack under the ægis of the sovereign's mandate. Yet to pull down that Government had been the true purpose of their agitation from the outset, and they now saw themselves threatened with failure. They dared not raise their voices against any reservation of the Emperor's prerogatives. The nation would not have suffered such a protest, nor could the agitators themselves have found heart to clamour for more at the very moment when the Throne had given so much. The only resource was to read their own interpretation into the text of the Constitution, and to demonstrate practically that a cabinet not acknowledging responsibility to the legislature is virtually impotent for law-making and even for administrative purposes.

Such are the broad outlines of the contest that began in the first session of the Diet and continued for several years. The special points of controversy need not be mentioned in detail. Just

as the political parties had been formed on the lines of persons, not principles, so the opposition in the Diet was directed against men, not measures. The struggle presented varying aspects at different times, but the fundamental question at issue never changed. Obstruction was the weapon of the political parties. They sought to render legislation and finance impossible for any Ministry that refused to take its mandate from the majority in the Lower House, and they imparted an air of responsibility and even patriotism to their destructive campaign by making "anti-clanism" their warcry, and industriously fostering the idea that the struggle lay between administration guided by public opinion and administration controlled by a clique of clansmen who separated the Throne from the nation. Had not the House of Peers stood stanchly by the Government throughout this contest, it is possible that the nation might have suffered severely from the rashness of the political parties.

There was something melancholy in the spectacle. The Restoration statesmen were the men that had made modern Japan; the men that had raised her, in the face of immense obstacles, from the position of an insignificant Oriental State to that of a formidable unit in the comity of nations; the men, finally, that had given to her a Constitution and representative institutions. Yet these same men were now fiercely attacked by the arms they had themselves nerved; were

held up to public obloquy as self-seeking usurpers, and were declared to be impeding the people's constitutional route to administrative privileges, when in reality they were only holding the breach until the people should be able to march into the citadel with some show of orderly and competent organisation. That there was no corruption, no abuse of position, no clinging to office for the sake of office, is not to be pretended; but, on the whole, the conservatism of the "Clan Statesmen" had for main object to provide that the newly constructed representative machine should not be set working until its parts were duly adjusted and brought into proper gear. On both sides the leaders understood the situation accurately. The heads of the political parties, while publicly clamouring for parliamentary cabinets, privately confessed that they were not yet prepared to assume administrative responsibilities. In fact, neither the Liberals nor the Progressists — to say nothing of the other five or six coteries into which the Lower House was divided — had a working majority, nor could the ranks of either have furnished men qualified in public estimation to fill all the administrative posts. The so-called "Clan Statesmen," on the other hand, while refusing before the world to accept the Diet's mandates, admitted within official circles that the question was one of time only.

The political situation did not undergo any

marked change until, under circumstances which will presently be described, the country became engaged in war with China (1894–1895), when domestic squabbles were forgotten in the presence of foreign danger. An era of coalition then commenced. Both of the great political parties united to vote funds for the prosecution of the campaign, and one of them, the Liberals, subsequently supported a Cabinet under Marquis Itō, and assisted materially to carry through the Diet an extensive programme, conceived in the sequel of the war, for expanding the national armaments and carrying out various public works. The Progressists, however, remained implacable. They continued their opposition frankly for the sake of opposition and without any pretence of consideration for the nature of the measures they opposed, their steadfast contention being that the clan Government was unworthy of confidence. The Liberals, too, ultimately found themselves unable to support the Itō Ministry in certain taxation measures which, though a logical consequence of the *post-bellum* programme voted by them in 1896, might have injured their popularity with the Constituencies.

It now became obvious that the only hope for the political parties consisted in union. A fusion was therefore effected in 1898, the new organisation adopting the name "Constitutional Party" (*Kensei-tō*). By this reconstruction, effected with great difficulty and presenting few features of

stability, the immediate obstacles to parliamentary cabinets were removed. Not only did the "Constitutionalists" command a large majority in the Lower House, but they also possessed a sufficiency of men who, although lacking ministerial experience, might still advance a reasonable title to be entrusted with portfolios. Immediately the Emperor, acting on the advice of Marquis Itō, invited Counts Ōkuma and Itagaki to form a Cabinet. It was essentially a trial. The party politicians were required to demonstrate in practice the justice of the claim they had been so long asserting in theory. They had worked in combination for the destructive purpose of pulling down the so-called "Clan Statesmen;" they had now to show whether they could work in combination for the constructive purpose of administration. Their heads, Counts Ōkuma and Itagaki, accepted the Imperial mandate, and the nation watched the result. There was no need to wait long. In less than six months these new links snapped under the tension of old enmities, and the coalition split up once more into its original elements. It had demonstrated an unexpected proposition, namely, that the sweets of office which the "Clan Statesmen" had been so vehemently accused of coveting, possessed even greater attractions for their accusers, who during their six months of power seemed to have been largely occupied either in devising new posts or disputing for the tenure of those already existing.

The issue of the experiment was such a palpable fiasco that it effectually rehabilitated the "Clan Statesmen," and finally proved, what had indeed been long evident to every close observer, that without their assistance no political party could hold office successfully.

In connection with this incident there appeared prominently upon the political scene a remarkable figure. Mr. Hoshi Tōru had been among the leaders of the Liberals from the time of their organisation, but had accepted the office of Japanese Representative in Washington during the period of his party's coalition with the Itō Cabinet. He possessed many of the qualities generally supposed to make for greatness, eminent among them being unflinching pursuit of purpose, insatiable ambition, and unscrupulousness in choice of means or agents. Much of the vehemence that characterised the Liberals' hostility to the Progressists had been derived from his fierce invective and restless implacability, and since his own route to a supreme place would be sensibly lengthened by the fusion of his party with another body of almost equal strength and containing in its ranks many men who regarded him with feelings of bitter hostility, he hastened back to Japan, bent upon dissolving a union so inimical to his personal interests. The success that attended his disruptive efforts and the dexterity he showed in applying them greatly enhanced his reputation, so that, after the fall of the Ōkuma-

Itagaki Cabinet and the resolution of the Constitutionalists into their original elements, the nation recognised in Mr. Hoshi Tōru the man of the hour. It soon appeared, however, that, whether by natural inclination or as the result of observations made during his residence in America, he had become a practical believer in the methods of the "Tammany-Hall boss." There is an old and still undecided controversy among foreign observers as to bribery in Japan. Many Japanese romancists introduce the *douceur* in their plots as though it had a natural place in every drama of life, and historical annals show that from the seventeenth century downward Japanese rulers legislated against bribery with a degree of strenuous persistence which seems to imply conviction of its prevalence. Not only were recipients of bribes severely punished, but informers also received twice the amount in question. Japanese social relations, too, are maintained largely by the giving and taking of presents. Visits to make or to renew an acquaintance are always accompanied by gifts; the four seasons of the year are similarly marked; even deaths call for a contribution to funeral expenses; nearly all services are "recognised," and guests carry back from their entertainer's house a box of confectionery or other edibles in order that their households may not be entirely excluded from the feast. The uses of such a system evidently verge constantly on abuses, and prepare the observer to find that if the

normal intercourse of life sanctions these material aids, abnormal occasions are likely to demand them in much greater profusion. All evidence thus far obtained goes to prove that Japanese officials of the highest and lowest classes are incorruptible, but that the middle ranks are unsound. A Japanese police constable will never take a bribe nor a Japanese railway *employé* a *pour-boire*, and from Ministers of State to chiefs of departmental bureaux there is virtual freedom from corruption. But for the rest nothing can be claimed, and to the case of tradespeople, inferior agents, foremen of works, contractors, and so on, the Japanese proverb may probably be applied that "even hell's penalties are a matter of money." At moments when the conflict between the Ministry and the Diet was sharp, and when such weapons as suspension, prorogation, or even dissolution could not turn the scale in the former's favour, Walpolian methods were certainly employed by the men in power, though so dexterously as to defy accurate estimate. But as such abuses provoked vehement remonstrance and condemnation, it was possible to regard them as occasional rather than chronic. From the time of Mr. Hoshi Tōru's ascendency, however, a creed prevailed that political influence was a valuable asset which its possessor might turn to his own profit provided that public loss did not evidently ensue. This dangerous doctrine soon exercised a widely demoralising influence. Nearly every service came to be con-

sidered purchasable, and in many instances the reservation as to public interest received no respect whatever.

The disruption of the Constitutional Party after a ludicrously brief period of cohesion showed that the Liberals and the Progressists could never hope to work together, and as events had already proved that neither of them was competent to undertake the administration alone, it thenceforth became the unique aim of both alike to join hands with the "Clan Statesmen," towards whom they had originally displayed such implacable hostility. Marquis Itō received special solicitations, since he would bring to any political party a vast accession of strength, not only in his own person and in the number of friends and disciples certain to follow him, but also in the confidence of the Emperor, which he possessed above all the statesmen of the era. But Marquis Itō declined to be absorbed into any existing party or to adopt the principle of parliamentary cabinets. He was willing to form a new association, but he stipulated that it must consist of men sufficiently disciplined to obey him implicitly and sufficiently docile to accept their programme from his hands. To the surprise of the nation the Liberals agreed to these terms. They dissolved their Party, and enrolled themselves under Marquis Itō in the ranks of a new organisation which did not even call itself a "party," — its designation being *Rikken Seiyu-kai* (Association of friends of the

Constitution), — and which had for the cardinal plank in its platform a declaration of ministerial irresponsibility to the Diet. A singular page was thus added to the story of Japanese political development; for not merely did the Liberals enlist under the banner of the statesmen whom for twenty years they had fought to overthrow, but they also erased from their profession of faith its essential article, parliamentary cabinets, and by resigning that article to the Progressists, created for the first time an opposition with a solid and intelligible platform. The whole incident vividly illustrated the fact that persons, not principles, were the bases of political combinations in Japan. Marquis Itō's attraction alone gave cohesion to the *Rikken Seiyu-kai*. It is true that Mr. Hoshi Tōru, who had become the effective head of the Liberals before they struck their colours to Marquis Itō, treated the latter's disavowal of party cabinets as a mere verbal concession to conservative opinion, and assured his fellow-members that such talk need not distress them. But every one felt that so long as Marquis Itō lived, the principle he denounced could not be openly re-espoused by the *Seiyu-kai*.

Regarded superficially, the political situation now seemed to have lost its embarrassing features. The new association commanded an overwhelming majority in the Lower House, and comprised a group of statesmen fully competent to carry on the administration. But between the *Seiyu-kai*

and the opposition under Count Ōkuma there remained a group of men who preserved their antipathy to political parties in any form, and resented Marquis Itō's apparent desertion of his former comrades. At the head of these malcontents stood Field Marshal Marquis Yamagata, who as a statesman possessed the nation's respect, and as the Commander of Japan's forces in the war with China had established a title to his country's gratitude. Yet, even under such a leader, this middle party could scarcely have exercised much influence had it not possessed the sympathy of the House of Peers. The Upper Chamber having steadily supported the "Clan Statesmen" in their long struggle with the Lower, and now seeing the leader of those statesmen enter the camp of his old opponents, considered itself slighted, and longed for an opportunity to assert the power which Marquis Itō apparently did not credit it with possessing. It is certain, too, that Mr. Hoshi Tōru's prominent position in the *Seiyu-kai* added to the animosity of the Peers. They regarded the man and his methods with aversion neither wholly just nor wholly unjustifiable. The desired opportunity soon came. Marquis Itō's Cabinet, having introduced an important financial measure in the Lower House and secured its passage, found the path suddenly blocked by the Peers. Recourse to the Emperor's intervention removed the obstruction for the moment, but it became at once

plain that the *Seiyu-kai* did not control the political situation, and could not remain in power without complications scarcely less troublesome than those that had disfigured the opening days of parliamentary government. That was not what Marquis Itō had contemplated when he placed himself at the head of the new association. He seized the first occasion to resign, and once more a Ministry was formed by men unconnected with any political party.

When the outlines of this long struggle are examined, they assume the form of a series of experiments. Each of the disputants in turn has been suffered to put his theories to the test of practical experience. Government by the united "Clan Statesmen" independently of political parties has been tried; government by the "Clan Statesmen" in coalition with a party has been tried; government by the combined parties independently of the "Clan Statesmen" has been tried; government by a party in combination with a section of the "Clan Statesmen" has been tried; and government by a section of the "Clan Statesmen" independently of the other section as well as of political parties is being tried at the moment of writing this history. The variations may be said to have been exhausted. When the present and last essay has failed — for fail it must — the *Seiyu-kai* will re-enter the lists to remain in undisturbed possession of them for some time. Victory rests with the "Clan Statesmen." It is

evident that during their lifetime the principle of parliamentary cabinets will never be openly acknowledged as constitutional. But it is equally evident that that principle has already received practical recognition. When the overshadowing figures of the great Restoration leaders shall have passed from the scene, the logic of facts will become too strong for those that inherit their doctrine.

The most unfortunate result of parliamentary government in Japan during the first ten years of trial was an increase of corrupt practices. Perhaps it would be juster to say that the Japanese, in common with other peoples, did not escape demoralisation by the opportunities incidental to a representative system. Members of the Diet sold their votes to the Government and their influence to promoters of speculative undertakings, and society in general descended to a lower moral plane. One vehement and sanguinary protest against this temporary decadence was made by Iba Sōtaro. He repaired to the office of the Tōkyō municipality and stabbed to death Mr. Hoshi Tōru, the reputed promoter of corrupt practices, as he sat among his fellow-councillors. Iba was fifty years of age. He had achieved a reputable and useful career in various important positions. Leaving a comfortable home, a wife and children whom he loved, and duties which he discharged with credit and profit, he paid farewell visits to his friends, wrote to the press a statement of reasons, and then calmly

proceeded to kill Hoshi because he regarded him as the worst political influence of the time. Japanese annals abound with Iba Sōtaros, though perhaps in no other case has a contrast so dramatically vivid been shown between the motives of a murderous act and the sacrifices it entailed. In justice to the memory of Hoshi Tōru it should be stated that, pernicious as his influence had certainly been, he did not die a rich man. He does not appear to have coveted money for himself, but rather for its uses in promoting political designs.

As to parliamentary procedure in Japan, it would of course have been extravagant to expect that neither tumult nor intemperance would disfigure the first debates of a Diet whose members were wholly without experience, but not without grievances to ventilate and wrongs, real or fancied, to redress, or that the language employed would always show the restraints which custom has gradually imposed in Western parliaments. Noisy scenes sometimes occurred, the authority of the chair often proved ineffective, and expressions were occasionally used such as are not tolerable in polite society. But on the whole there was remarkable absence of anything like disgraceful licence. The politeness, the good temper, and the sense of dignity which characterise the Japanese in general, saved the situation when it threatened to degenerate into a "scene." Foreigners entering the House of Representatives in Tōkyō for the first time might easily misinter-

pret some of its habits. A number distinguishes each member. It is painted in white on a wooden indicator, the latter being fastened by a hinge to the face of the member's desk. When present, he sets the indicator standing upright, and lowers it when leaving the House. Permission to speak is not obtained by catching the President's eye, but by calling out the aspirant's number, and as members often emphasise their calls by hammering their desks with the indicators, there are moments of clatter and din. But, for the rest, orderliness and decorum habitually prevail. Speeches have to be made from a rostrum, which rule tends palpably to deter useless declamation. The Japanese formulates his views with remarkable facility. He is absolutely free from gaucherie or self-consciousness when speaking in public. He can think on his feet. But his mind has never busied itself much with abstract ideas and subtleties of philosophical or religious thought. Flights of fancy, impassioned bursts of sentiment, appeals to the heart rather than to the reason of an audience, are devices strange to his mental habit. He can be rhetorical, but he very seldom climbs to any height of eloquence. Among all the speeches hitherto delivered in the Japanese Diet, it would be difficult to find a passage deserving the latter epithet. Another notable point is that oratory has gradually gone out of fashion. Members no longer care to talk as they did when the Assembly was

in its infancy. In some cases there are special reasons for this. Agitators who figured as impecunious declaimers in the first session are now sober men of substance. They have found parliament a paying and a pacifying occupation. But the general explanation is that the Diet's method of procedure tends to discourage oratorical displays. Each measure of importance has to be submitted to a committee, and not until the latter's report has been received does serious debate take place. But in ninety-nine cases out of every hundred the committee's report determines the attitude of the House, and speeches are felt to be more or less superfluous. One result of this system is that business is done with a degree of celerity scarcely known in Occidental legislatures. For example, the meetings of the House of Representatives during the session 1896–1897 were thirty-two, and the number of hours occupied by the sittings aggregated a hundred and sixteen. Yet the result was fifty-five bills debated and passed, several of them measures of prime importance, as the gold-standard bill, the budget, and a statutory tariff law. Such a record seems difficult to reconcile with any idea of careful legislation; but it must be remembered that although actual sittings of the houses are comparatively few and brief, the committees remain almost constantly at work from morning to evening throughout the twelve weeks of the session's duration.

From the outset the debates were recorded verbatim. Years before the date fixed for the promulgation of the Constitution, a little band of students elaborated a system of stenography and adapted it to the Japanese syllabary. Their labours remained almost without recognition or remuneration until the Diet was on the eve of meeting, when it was discovered that a competent staff of short-hand reporters could be organised at an hour's notice. Japan can thus boast that, alone among the countries of the world, she possesses an exact record of the proceedings of her Diet from the moment when the first word was spoken within its walls.

Appendix

Appendix

NOTE 1. — Their representatives have the title of "Prince" in the present order of Japanese nobility.

NOTE 2. — Their representatives have the title of "Marquis" in the present order of Japanese nobility.

NOTE 3. — A standing order directed that novelty in every form must be eschewed, and that any unwonted incident must be reported immediately to Yedo.

NOTE 4. — The revenues were stated in *koku* of rice, but it must be understood that the number of *koku* produced by a fief did not represent the feudatory's income; it represented only the taxable property in his fief.

NOTE 5. — It should be noted that the term *Daimyō* mentioned above was not used as a title. The latter was obtained by appending the word *Kami* (Chief) to the name of the district over which a baron ruled. Thus *Echizen-no-Kami*, *Dewa-no-Kami*, etc., signified the barons of Echizen, of Dewa, and so on. Another form of feudal title was derived from the name of an hereditary office, according to the old custom explained in a previous chapter. With regard to the word *Daimyo*, literally "great name," the hypothesis is that the military men sent from Kyōtō to govern unruly provincial districts were originally called *Myōdai* (substitutes), and that when they acquired semi-independent power, they called themselves *Daimiyō*, preserving one part (*miyō*) of their original destination, but replacing *dai* (substitute) by *dai* (great).

NOTE 6. — A Japanese proverb marshals the influences effective in obtaining admission to the ranks of the Court ladies thus: *Ichi-hiki ni-un san-kiryo*, or, "first a patron, second luck, and third ability."

NOTE 7. — Every document placed in the *meyasu-bako* had to carry the name and address of its compiler: otherwise its contents received no attention. There were also severe vetoes against any appeal based on purely personal interests, or of a slanderous character; against complaints not supported by the complainant's intimate knowledge of facts; against petitions embodying cases which had not been previously submitted to the proper authorities, and against false statements of every kind.

NOTE 8. — Although men were sometimes condemned to be burned at the stake, or sawn in sunder or crucified, — *i. e.* bound to a cross and transfixed with lances, — it appears that they were generally strangled before the carrying out of the sentence.

NOTE 9. — Mr. Basil Hall Chamberlain.

NOTE 10. — This hand-clapping custom is common on occasions of congratulation among actors, keepers of tea-houses connected with a theatre, and professionals of all kinds. One may often observe that a party of such persons, arriving at or leaving a railway station, clap hands in unison with those that have come to greet them or to bid adieu.

NOTE 11. — It is right to note that the Liberals were by no means alone in their employment of *sōshi*. Other political parties employed them subsequently. But the Liberals set the example.

NOTE 12. — One of these troupes, headed by an ex-*sōshi*, Kawakami, and aided by the services of his wife, Yakko, an ex-*geisha*, made quite a sensation in Europe.

NOTE 13. — Riparian works have long been a troublesome question in Japan. Owing to gradual banking up, the beds of many rivers have been elevated high above the general level of the district. The water can thus be easily led hither and thither for irrigation purposes, but, on the other hand, the bursting of banks pours the whole river like a cataract over the country.

NOTE 14. — There are many evidences that the supply of rice was found insufficient in the Tokugawa epoch. At one time (1643) the brewing of *sake* (rice-beer) was limited; at another (1644) the making of all cakes or confectionery that

contained rice was forbidden. In 1660 farmers were not allowed to use rice as a staple of diet, and in 1818 the conversion of rice-fields into sugar-plantations was declared illegal. Yet the production ought to have sufficed for the population of the time. In 1688 the yield was twenty-five and three-fourths millions of *koku*; in 1836 it was thirty and one half millions; to-day it is only thirty-six millions.

NOTE 15. — In 1674 Tokugawa Mitsukuni imported twelve Dutch horses and established a stud at Ono-maki in Hitachi. In 1718 foreign cattle were bred at Mineoka in Awa. At first there were only three cows, but ultimately the number increased to seventy. Butter was made, and presents of it were sent by Matsudaira Sadanobu to his friends. In 1746 the *Shōgun's* officers organised a ginseng farm at Imaichi in Iwate province. It does not appear that any of these enterprises could be called a success.

NOTE 16. — See Mr. John Henry Wigmore's admirable essay, "Materials for the Study of Private Law in Old Japan."

NOTE 17. Dr. Inouye Tetsujiro has compiled a voluminous and lucid work on the philosophy of Wang Yang-ming ("Nihon Yōmei-gaku-ha no Tetsugaku"), of which an interesting summary appeared in the *Japan Weekly Mail* of April 20, 1901, from the pen of Mr. W. Dening.

NOTE 18. — The *Rikuyu Engi*, or "Exposition of the Six Principles," a celebrated primer of Confucian philosophy.

NOTE 19. — "Kinokumiya" was the name of his store. Merchants in that era were not allowed to have family names.

NOTE 20. — Equal to about as many pounds sterling.

NOTE 21. — There were from seven thousand to eight thousand of these persons in the city. They went by the name of *yama-bushi* (mountain soldiers). A census of Yedo taken in 1787 shows that there were 587,800 males, 697,500 females, 3,844 blind persons, 53,430 Buddhist priests, 3,580 *Shintō* priests, 7,230 *yama-bushi*, and 4,500 men and women in the Yoshiwara, or 1,367,840 in all, exclusive of the military class.

NOTE 22. — These last two objects were often made of magnificent lacquer.

NOTE 23. — Now for the first time hair-dressers for men began to open shops at street corners or on bridges.

NOTE 24. — This change was not entirely a caprice of fashion. Leather had become almost prohibitively expensive, owing to its general use for garments worn in times of conflagration.

NOTE 25. — Ladies could not command the services of a professional hair-dresser until the middle of the eighteenth century, and in 1835 the Premier, Mizuno Echizen no Kami, declared such a profession illegal, — naturally a futile prohibition.

NOTE 26. — In former times titles did not exist. There were official ranks, and very often these were prefixed to a name in the manner of a title. But actual titles were not introduced until 1885. In the interval separating the latter date from the fall of feudalism in 1871, the former territorial chiefs and Court nobles could not be titularly distinguished from commoners. But in 1885, the Emperor, acting on the advice of Itō (afterwards Marquis), instituted five orders of nobility (apart from Princes of the Blood), namely, Princes, Marquises, Counts, Viscounts, and Barons. These, of course, are translations. The Japanese terms — affixed, not prefixed, to a name — are *ki*, *kō*, *haku*, *shi*, *dan*. The greatest of the territorial nobles received the title of prince; the smallest, that of baron. The practice was also inaugurated of bestowing titles on men of merit without regard to their original social status. There are no life titles. The Princes now number 11; the Marquises 33; the Counts 89; the Viscounts 363, and the Barons 280.

NOTE 27. — Princes and Marquises sit by right of their titles; Counts, Viscounts, and Barons are elected by their respective orders; each prefecture returns one member representing the highest tax-payers, and the Emperor nominates men of learning or public merit. The House of Peers now contains 319 members. A salary of 2,000 *yen* (£200) annually is paid to the members of the Diet; each House has a President, nominated by the sovereign from among three names selected by the House. He receives 4,000 *yen* a year. The Vice-President is elected by the House independently of Imperial nomination, and receives 3,000 *yen* annually. Members of

the Lower House are elected for four years; those of the Upper for seven.

NOTE 28. — The House contained 129 farmers, 19 merchants, and 1 manufacturer. In the sixth session the number of *samurai* fell to 79, the farmers increased to 134, and the merchants to 24.

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